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The Spurious Speeches in the
Lysianic Corpus

A Dissertation

PRESENTED TO THE FACULTY OF BRYN MAWR COLLEGE IN PARTIAL
FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE
OF DOCTOR OF PHILOSOPHY

BY

ANGELA C. DARKOW

BRYN MAWR, PENNSYLVANIA
MARCH, 1917

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LIST OF REFERENCES.

For the sake of brevity, I give the following list of works to which reference is constantly made. Other citations are made in full where occasion arises. All citations are made in the chronological order of the editions used, except in cases of recognized dependence such as that of Jebb upon Blass, *Attische Beredsamkeit*.

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INTRODUCTION.

The following dissertation on "The Spurious Speeches in the Lysianic Corpus" is the outcome of an investigation of the essential characteristics of Lysias' work. Lysias' renown as a master of *ethopoiia* led me first to direct my attention to his methods of presentation of character. Here at the outset, since Lysias in this respect works in low relief, as does Sophocles in tragedy, a trained perception is needed to grasp the writer's delicacy of touch, and one may not be dogmatic. Furthermore, in prose, where no stage directions can be indicated through vagaries of metre, and characters cannot be brought out by means of dialogue, the reader must supply the make-up, setting and rôle. Isocrates V. 26 mentions the necessity of reading *ethos* into written speeches, and, indeed, since prose is the more readily subjective vehicle, it is not strange to find Lysias' tricks of thought and phrase recurring in the mouths of various characters.

I considered the speeches generally accounted spurious in the light of this investigation of *ethopoiia*, and some of them, notably VI, VIII, IX, X, XXIV, I found by no means lacking in this quality. I then turned to an examination of the grounds upon which so-called spurious speeches have been rejected, and found that in the majority of cases the final objection was unsuitability for delivery in the law court.

It was necessary, therefore, to investigate the position of logography in general, and that of Lysias in particular, since as my work advanced, it seemed to me certain that the criterion of applicability to actual pleading is a false one. The contemporary evidence, at least, does not point to Lysias as a logographer in the sense of one who wrote speeches for clients to use in court. Yet this suggestion is so subversive of tradition, and must rest so largely on negative argument, that I have decided to subject to detailed examination the evidence in

Lysias' case only, leaving for a future study the position of the orators generally in this respect, and what seems to me the erroneous assumption that the extant work of the Greek orators is the result of writing speeches for clients to deliver in court or assembly.

Of four hundred and twenty-five speeches attributed to Lysias in antiquity, only two hundred and thirty <three> were considered genuine by Dionysius and Caecilius.¹ One hundred and seventy-two are known to us by name;² of these, thirty-one survive more or less intact, and parts of three others are quoted by Dionysius. Of the thirty-one, six³ are cited with some reservation by Harpocration, and five others⁴ without any suspicion of their authenticity. Of the value of Harpocration's *εἰ γνήσιος*, the form usually taken by his reservation, we are unable to judge. We do not even know whether he based it upon the judgment of his predecessors, or upon a criterion of his own. Photius⁵ mentions as a radical scholar a certain Paulus of Mysia⁶ who through his rejections deprived posterity of many genuine speeches of Lysias. If ancient scholars took such liberties with the text,—and it is due in part at least to their excisions, that of four hundred and twenty-five speeches once attributed to Lysias, only thirty-one survive,—it appears that the presence of a speech in the Lysianic corpus argues that the presumption of its genuineness is considerably increased.

Dionysius, in his study of Lysias' work, a study obviously undertaken from a purely literary point of view, made the ultimate criterion of the genuineness of his work so intangible a quality as *χάρης*,⁷ and yet this quality cannot, as he himself admits, be defined, but must be intuitively apprehended. The English word "charm" seems the best translation. Should this criterion be applied to all Lysias' speeches? Certainly invective is not likely to possess to any high degree the quality of charm.

¹ Ps. Plut. 836a = Photius cod. 262, 488b, 15.

² See Blass, 357 ff.

³ VI, IX, X, XIV, XXIV, XXX.

⁴ I, II, VII, XII, XX, (V?). For V, see Blass, 362.

⁵ cod. 262. ⁶ See under VII. ⁷ 10 ff.

It is on the ground of absence of this quality, that Dionysius rejected the two speeches for Iphicrates (frgg. XVIII and LXV), a rejection which after his manner he supports on the basis of chronological difficulties. Chronology would, indeed, seem to be the only fair and objective ground for rejection, if we had reasonably certain knowledge of dates. In spite of Dionysius' rejection, we find the former of the two, *πρὸς Ἀρμόδιον περὶ Ἰφικράτους δωρεῶν*, (cited by Dionysius as *περὶ τῆς Ἰφικράτους εἰκόνος*), accepted as genuine by Paulus Germinus⁸ and both of them by Ps. Plut., 836d.⁹ Aristeides XLIX, 518 Dind., left the question of authorship undecided.¹⁰ Aristotle¹¹ cited sentences from both as spoken or written by Iphicrates, but his testimony is open to various interpretations, since he also quotes the Platonic Socrates as Socrates.

Dionysius¹² further rejected a speech for Nicias (fr. XCIX) which had incurred the censure of Theophrastus for undue levity of language in a passage of appeal to pity. Theophrastus seems to have missed comprehension of Lysias' ironic humour, and certainly Dionysius' cutting of the knot¹³ is even less justifiable than it is efficacious. Even if Lysias, speaking through Nicias, represented the general as we find him represented in Thucydides' speeches, it is quite conceivable that he should have introduced, as a personal contribution, the solemn sort of 'levity' that lies purely in the rhyming of words. It is a solemn levity, for this is one of the rhetorical figures of the epitaphii, and the rhetoric still appeals in passages of the New Testament. Especially if the speech was, as seems probable, purely epideictic,¹⁴ no ground for objection remains. Theophrastus' objection assails the authenticity of Lysias' speech no more

⁸ cf. Suidas under Παῦλος Γερμίνος σοφιστής· ὁ γράψας ὅτι γε Λυσίου ἐστὶν ὁ περὶ τῆς Ἰφικράτους δωρεῶν, βιβλία β'.

⁹ He even reported that Lysias was successful in both! This is merely a manner of appreciation of the merits of the speech.

¹⁰ τίθει μὲν εἰ βούλει Λυσίου τὸν λόγον εἶναι, τίθει δ' Ἰφικράτους.

¹¹ Aristotle Rhet. II. 23. 6; 7; 9; III. 10. ¹² 14.

¹³ ὅτι δὲ οὐκ ἔγραψε Λυσίας τὸν ὑπὲρ Νικίου λόγον . . . πολλοῖς πάνυ τεκμηρίοις ἀποδείξαι δυνάμενος οὐκ ἔχω καιρὸν ἐν τῷ παρόντι λόγῳ.

¹⁴ Blass, 447 f. See 448 for defenders of its genuineness.

successfully than does Protagoras' objection to the imperative in the opening lines of the Iliad cast doubts upon their genuineness.

Modern scholars like those of ancient times have been active in their suspicion and rejection of Lysias' speeches. Only six¹⁸ of the thirty-one speeches remaining to us have not been attacked by either. Nor have recent scholars been constant in their valuation of the early critics: no suspicion, for instance, of II and XX is recorded in antiquity, whereas they are rejected by most scholars of recent times. In no case, however, has Harpocration's *εἰ γνήσιος* failed to excite doubts in the mind of some recent investigator.

The scholars of the late eighteenth and early nineteenth centuries were cautious about rejection. Gradually II, VI, VIII, IX, XI, XX, came to be regarded as almost certainly spurious, though of course not all scholars reject precisely the same speeches. Croiset¹⁹ for example refused to admit VI, VIII, IX, XV, XX, but did not mention II or XI; Hude, the latest editor of Lysias, though considering several of the speeches probably spurious, brackets only VIII and XI.²⁰

XI has been generally considered as epitome of X. It was Francken who first applied extensively to other speeches of Lysias the theory that they are epitomes. His example has been faithfully followed, and his method has been applied to various speeches. Many scholars have justly inveighed against it.²¹ It is not only incapable of proof, but entirely unsatisfactory as a means of explaining difficulties. Furthermore, the insistence in Pl. Phaedr. 228d that Phaedrus shall read Lysias' speech, and not give an epitome (*ἐν κεφαλαίοις ἐφεξῆς δίδειμι*) may be intended to emphasize the fact that Lysias' manner of composition might lead to a confusion between epitome and original. *ἐγὼ μὲν ἱκανὰ . . . ἐρώτα* (234c) points to the unfinished nature of Lysias' speeches, which (264c) are criticized as lacking head and tail. There seems therefore to be some recognized char-

¹⁸ I, III, XXI, XXVI, XXXII, XXXIV.

¹⁹ 449, n. 1. ²⁰ praef. ad fin. ²¹ See Nowack, 99 f.

acteristic in Lysias' work that might lend semblance to the possibility of any one speech being an epitome.

On the ground of avoidance of hiatus, Benseler²² rejected VIII outright; he did not consider the argument from hiatus sufficiently urgent to warrant the rejection of II, IX, XIV; XVI, XXII, XXIV, XXV, XXVIII, XXIX, XXXIII he estimated as "dubitationi justae obnoxias". In no case, except in that of VIII, has his judgment commanded attention, and his results have been corrected by Blass.²³

Dionysius²⁴ following Aristotle,²⁵ divides oratory into three classes: dicanic, symboleutic, and epideictic, i. e. panegyric. Quintilian²⁶ makes the much needed distinction between encomiastic and epideictic oratory and points out that all three kinds, dicanic, symboleutic, as well as encomiastic, are comprehended in epideixis. It is this wider use of the word epideixis, in the sense of literary production, that is the keynote and keystone of my dissertation.

There seems to have existed in Athens in the late fifth and the fourth century,²⁷ a more or less clandestine practice of writ-

¹⁹ 183 ff. ²⁰ III, 337 f. ²¹ 16.

²² cf. Rhet. I. 3. 3. It is far from certain that Aristotle was the first to make this tripartite division. The text of Anaximenes *τεχ. ῥητ.*, init. and again in 17, was changed by Spengel to secure conformity with Quintilian III. 4. This arbitrary emendation has not been unanimously accepted. cf. O. Navarre, *Essai sur la Rhétorique Grecque avant Aristote*, Paris, 1900, 335 ff., and references there given. According to Burgess, *Epideictic Literature*, Chicago, 1902, 97 ff., there are in Isocrates indications of "the triple division made so distinct and permanent by Aristotle".

²³ III. 4. 14, esp. "ut causarum quidem tria genera sint, sed ea tum in negotiis, tum in obstantione posita" the meaning of which is not made clear in the translation of Burgess (95), "Though there are three kinds of oratory, in each of these a part is devoted to subject-matter and a part to display". It seems reasonably clear in the light of the context that Quintilian meant to point out that although there were three divisions of oratory, each of the three included speeches actually used, as well as those written for display (*ἐπιδεικτικῶς*). With this use of the word negotium, cf. its use in a not dissimilar connection in Am. Mar. XXX. 4. Hermogenes, π. 18. II, 417 Sp., also designates Aristotle's *ἐπιδεικτικὸν γένος* as *πανηγυρικός λόγος*.

Query: Quint. III. 4. 10 says, "Isocrates in omni genere inesse laudem ac vituperationem existimavit". Can this be a misunderstanding or mis-translation of Isocrates' use of *τὸ ἐπιδεικτικόν* in its wider sense? cf. Burgess, 97 ff. ²⁴ See Blass, 92.

ing speeches for the use of others in the courts. Contemporary references to it are slight. Oddly enough, it is not commented upon in what is left to us of Old Comedy, though we know from Ps. Plut. 833c that Plato in his Peisander satirized Antiphon's *φιλαργυρία*. Of direct contemporary evidence regarding Antiphon, we have only the passage in Thucydides (VIII. 68) from which we may conclude that Antiphon was, in some sense, an advocate, but not with Blass, 92, n. 1, that *ἐμβουλευσασθαι* may include written counsel, and that Antiphon was therefore a professional speechwright.²⁶ Cicero, Brut. 47, directly quotes from this passage in Thucydides. Quintilian, III. 1. 11, echoes Thucydides' statement about the excellence of Antiphon's *Apologia*, but it must be from some other source that he derived his "orationem primus omnium scripsit", unless by chance the *οὐδενὸς δεύτερος* in Thucydides gave rise to a misunderstanding. Ps. Plut. 832c quotes a tradition to the effect that Antiphon was the first to write speeches for the law courts at the request of citizens, thus 'improving' on the notice in Quintilian. Hermogenes, π. ἰδ. II. 415 Sp., contents himself with calling Antiphon *ὄλως εὔρετης καὶ ἀρχηγὸς . . . τοῦ τύπου τοῦ πολιτικοῦ*. It is not until we reach Diodorus ap. Clem. Alex. Str. I. 365 and Philostratus, *βίοι σοφ.* 17, that we find combined the two notices kept rigidly apart in Ps. Plutarch—first, the tradition that Antiphon was first to write speeches for others, and second, that Plato satirized Antiphon's *φιλαργυρία*. Ammianus Marcellinus XXX. 4 brings up the rear with a repetition of the information disclosed by Diodorus and Philostratus.

A glance at these citations suffices to show the lateness of the final version of the story, and warrants serious doubts of its

²⁶ Wilamowitz, *Philologische Untersuchungen*, Berlin, 1880, I. 38, n. 68, "... und was sind denn Antiphons tetralogien? rhetorische schauspielstücke oder *τόποι* für den wirklichen gebrauch und behandlungen juristischer probleme?" He chooses the second alternative, and expects to gain conviction by a citation of Plut. Per. 36 as evidence that the second tetralogy deals with an actual case. But there is no evidence in Plutarch that the accidental murder—if it ever occurred—was tried in court, and this is rather an instance of how an event—real or fictitious—may be made the basis of sophistic discussion in words or on paper. But it is noteworthy that even with his point of view, Wilamowitz does not claim that the tetralogy was destined for actual use in court.

accuracy. Not until the late second or the third century do we come upon the tradition that Antiphon wrote speeches for money, and then we find that it has probably arisen from a contamination of sources.

The confusion among the various Antiphons even in the Ps. Plut. vita²⁷ would impose additional caution in the application of references to the orator. *φιλαργυρία* is a common thrust at Teiresias, and one Antiphon was a *τερατοσκόπος* (Diog. Laert. II. 46).

Andocides, it is clear, never wrote for clients. Before we can consider Lysias, we must first notice the passages that throw light on the general practice of speech writing as a profession.

Plato in the Euthydemus (289c) mentions *λογοποιοί*, makers of speeches, some of whom like the *λυροποιοί*, makers of lyres, are not always able to use the instrument they fashion. It is noticeable that the simile, if carried to a logical conclusion, implies that the *λογοποιοί* were unable to use the speeches from lack of oratorical ability.²⁸ Isocrates is an obvious instance in point, both from his own admissions and the suggestion of his father's business in the simile. In 289e, *λογοποιία* is compared to sorcery. By its means, dicasts, ecclesiasts, and other bodies of men are beguiled and persuaded; *λογοποιοί*, therefore, may include public orators as well as private speechwriters.

In the Laws, XI. 937e seq., Plato censures vehemently the practice of *ξυνδικία*, a perversion of justice, masquerading under the name of *τέχνη*, which is rewarded by money. An alien convicted of this offense is to be banished for life; a citizen, to be put to death.²⁹

²⁸ Blass, 93 f.

²⁷ cf. Isocrates V. 81 and epist. I. 9, for his inability to speak; also XV. 189 f. and XII. 9 f.

²⁹ *ὅωρεάν δ' αὐτῆς εἶναι τῆς τέχνης καὶ τῶν λόγων τῶν ἐκ τῆς τέχνης, ἀντιδωρῆται τις χρήματα*. *λόγων* I take to be not speeches in any specific cases, but sample speeches, indicating arguments which, though specious, would under certain conditions be effective; in other words *λόγοι* is practically equivalent to methods. It is possible that Quint. II. 15. 30, "et tum maxime scribere litigatoribus, quae illi pro se ipsi dicerent, erat moris, atque ita iuri, quo non licebat pro altero agere, fraus adhibebatur", depended for his information upon this passage in Plato.

Isocrates, *Antid.* 2 and *passim* (cf. esp. 31, 37 f.), defended himself against the charge of *δικογραφία*,²⁹ of which he had been accused by his enemies. One might as well accuse Pheidias, he complained, of being a doll-maker! Later, 41, he remarks that there are very many who are ready to prepare speeches for men engaged in lawsuits. Cicero, *Brut.* 48, says that Isocrates first wrote for others but afterwards abandoned the practice. In Dionysius, *de Isocr.* 18, we find mention of a dispute on this subject between Aphareus, an adopted son of Isocrates, and Aristotle, who is cited as advancing in proof of his point, that many *δέσμαι*, bundles, of Isocrates' dicanic speeches were in the hands of the booksellers. On the testimony of Cephisodorus who wrote against Aristotle in defense of Isocrates, Dionysius concludes that he had written a few dicanic speeches. As a matter of fact, of the few private speeches that remain to us, XVI, XX, XXI are unsuited to delivery in a real case. It is possible that the actual point of dispute between Aphareus and Aristotle was the question whether Isocrates ever wrote speeches on dicanic subjects, for it would indeed be strange if Isocrates, at such pains to defend himself against an accusation, should leave incriminating evidence in the hands of booksellers, or refrain in the *Antidosis* from alluding to forgeries. Cicero following Aristotle, would uncritically adopt his point of view, for the later Greeks and the Romans omitted from consideration the possibility that speeches were written as literature, or at least as 'rhetorische Musterstücke'. Isocrates took a fictitious legal background even for his *Antidosis* (cf. 6 f.).³⁰ We have still other references to the practice, in Anaximenes *Rhet. ad Alex.* 36, 38, and Theophrastus, *Jebb-Sandys ed.*, 116, 1. 2, but as these refer to the end of the fourth century, and not to the canonical orators, mention of them is sufficient.

We may now examine the evidence on which it is assumed that Lysias was a professional speechwright. Of contemporary

²⁹ For *δικογράφος* see Pollux VIII. 24; Diog. Laert. VI. 115.

³⁰ Burgess, 97, n. 2, "Though but a small proportion of his (Isocrates') speeches are epideictic in title or technically such in theme, all are of this class in reality."

criticism, fortunately, we have Plato's *Phaedrus*, which throughout treats Lysias as a literary man. It is questionable whether Plato would have taken the trouble to criticize, from this point of view, a professional speechwright. The crucial word, *λογογράφος*, occurs however in 267c.

Now the word *λογογράφος* originally meant prose writer, or more particularly chronicler, *μυθογράφος*. In this sense, it is used in Thuc. I. 21. Aristotle in his *Rhetoric* uses the word three times (II. 11. 7; III. 7. 7; III. 12. 2), in each case with this meaning. In II. 11. 7, it is contrasted with *ποιητής*, as repeatedly *λογοποιός* is contrasted with *ποιητής* in Isocrates (cf. V. 109; XV. 137), while in the *Phaedrus* Lysias is judged as a *ποιητής* (=artist).³¹ Even in later times *λογογράφος* maintained its original sense, for Hermogenes, π. ιδ. II. 405, 417 Sp., distinguishes as representatives of the three classes of literature, i. e. poetry, and spoken and written speeches (prose), *ποιηταί*, *ρήτορες*, and *λογογράφοι*, and includes *ιστορία* under the general sense of *λογογραφία*.

We do find, however, *λογογράφος* used in a more restricted sense. Gaisford on *Phaedr.* 257c quotes schol. Plat. 63, *λογογράφους ἐκάλουν οἱ παλαιοὶ τοὺς ἐπὶ μισθῷ λόγους γράφοντας, καὶ πιπράσκοντας αὐτοὺς εἰς δικαστήρια· ῥήτορας δὲ τοὺς δι' ἐαυτῶν λέγοντας*. In Lycurgus in *Leocr.* 138 (where the word is not actually used), and in Deinarchus in *Demosth.* 111, the reference is to *συνήγοροι*, who spoke in person on behalf of the defendant, but with the expressed imputation of doing so for money instead of on the conventional basis of friendship or relationship.³² In Aeschines in *Ctes.* 173, and Demosthenes *de falsa leg.* 246, each orator calls the other *λογογράφος*, and Aeschines once again (*adv. Tim.* 94) uses the word in the sense of professional speechwright. (So in the *Meidias*, 191, Demosthenes pretends that Meidias accuses him of having prepared an elaborate

³¹ cf. 236d, 245a, 258d, 278e.

³² *λογοποιεῖν* in *Dein.* I. 32, 35, and *Dem.* IV. 49, refers to the circulation of stories or speeches (pamphlets?) intended to influence public sentiment.

speech, or still more pointedly, of having received aid in his prosecution. Yet this speech was never used in court, and was probably never intended for delivery.) Whether or not the word was in common use in that sense in the circle of Plato remains doubtful. Certainly the passage in the *Phaedrus* is the isolated instance of its use.

Phaedrus in this passage remarks that some one slandering Lysias called him *λογογράφος*, and that Lysias would probably, therefore, give up writing altogether. Socrates answers, "I suppose you think that the man meant what he implied?" and *Phaedrus* continues to discourse upon the stigma incurred by leaving after one's death any *συγγράμματα*, since they make one liable to the imputation of being a sophist. It seems as if in this case there were a play on the word. *Phaedrus* interprets it in the conventional meaning, *littérateur*.² Socrates seems to think that Lysias might have been, though obviously without justice, accused of writing speeches for money. In any case, the suggestion is dropped, and in 258c *λογογράφος* means writer of prose, as is definitely shown by the use of the verb *συγγράφειν* as an equivalent.

There remains to be considered only the passage in Cicero, *Brut.* 48:—" . . . Lysiam primo profiteri solitum artem esse dicendi, deinde, quod Theodorus esset in arte subtilior, in orationibus autem ieiunior, orationes eum scribere aliis coepisse, artem removisse . . . ". If Cicero did, indeed, copy this notice from Aristotle, there remains the possibility that he interpreted mention of Lysias' *dicanic* speeches to mean that Lysias wrote speeches for actual use, whereas to the Greeks the meaning of fictional speeches with *dicanic* background may have been clear without further explanation.

There are, indeed, passages in Isocrates which prove conclusively that in Greece in the time of Lysias, speeches were written on *dicanic* subjects yet not for delivery in court. Isocrates (*XV.* 26) in his pride at having written great panegyrics,

² cf. Blass, 350, n. 3.

speaks with some scorn of other forms of writing and speaking:—" First of all, when a man intends to write or deliver speeches which shall bring him honour and fame, it is undeniable that he will abandon such subjects as take the wrong side, or are trivial, or deal with matters of private dispute, and that he will choose great, noble, philanthropic subjects that pertain to the common weal ". In *V.* 1, he uses the same expression, *ὑπόθεσιν ποιήσασθαι*, for choice of subject. In *IV.* 11, he refers to those critics who fail to distinguish between speeches written as pieces of display and those written on subjects of private dispute, but in both cases his criticism is literary, and he regards both classes as literary productions. Finally, in *XII.* 1, there is a direct reference to *dicanic* speeches written as models merely, to be studied by the younger generation if they wish to be successful in their lawsuits.

I should suggest, therefore, that there is some probability that Lysias and indeed all the orators of the canon were not *λογοποιοί* in the sense of professional speechwrights. They were the real representatives of a *τέχνη* behind which all speech mongers sheltered themselves. The opponents of this theory must explain why these speeches—once they had served their use in court—were published, and how they could be published with impunity. In the following detailed investigation of the so-called spurious speeches, I shall emphasize the characteristics that render the speech under consideration unfit for delivery in court.

II.

II, ἐπιτάφιος τοῖς Κορινθίων βοηθοῖς, is repeatedly cited by the ancients without any doubt of its genuineness.¹ Among the moderns, it has been the subject of considerable controversy. Muret,² Taylor,³ Markland,⁴ Schweighäuser,⁵ Schlegel,⁶ Jacobs,⁷ Dahlmann,⁸ Becker,⁹ Franz,¹⁰ Hänisch,¹¹ Spengel,¹² Krüger,¹³ Westermann,¹⁴ Stallbaum,¹⁵ Hermann,¹⁶ Benseler,¹⁷ O. Müller,¹⁸

¹ For a list of testimonia, see LeBeau, 2 ff., and add schol. Dem. Epit. 10. The passage in Aristotle, Rhet. III. 10 has been the source of much discussion. Did Aristotle quote from memory, as he quotes without the name of the author, or should one agree with Sauppe's adoption of the conjecture ἐν Λαμία for ἐν Σαλαμῖνι? Or, again, is the passage hopelessly corrupt? Sauppe's expedient assumes the spuriousness of Rhet. III. I should prefer to be conservative, and admit that Aristotle was quoting from memory. Lysias II. 60 refers to those who fell at Aegospotamoi. Their death symbolizes the death of freedom. Yet in a sense one can understand that freedom died with her defenders at Salamis, since their successors were unable to champion her cause successfully. This, at least, could have been said after the end of the Peloponnesian War. It is possible also that some other author in an epitaphius may have used that expression, and Aristotle may therefore refer to another than the one before us. The metaphor, itself, must have been a commonplace. It is found also in Aesch. in Ctes. 211, and Lycurg. in Leocr. 50 (cf. Wendland, Hermes XXV (1890), 181, n. 1, and 185 f.). Therefore, Ar. Rhet. III. 10 cannot be used as proof of the genuineness of Lysias II. Diels, Abh. d. k. Akad. d. Wiss. 1886, IV, 5 ff., rejected Sauppe's expedient, and admitted that Aristotle's reference could not be used to prove the genuineness of the Epitaphius. Wilamowitz, ib. 35 ff., thought that Aristotle quoted from the Epitaphius of Gorgias, from which 60 of the one under consideration was borrowed. Blass, 438, rejects this expedient and thinks that Aristotle simply made an error in quotation.

² Var. Lect., XVII. 2. ³ Lect. Lys., III. 231. ⁴ 49 f.

⁵ ad Herod. VII. 139. ⁶ Wieland's Att. Mus. I. 2, 260 ff.

⁷ Attika, Vorr. VII.

⁸ Forschungen auf dem Gebiet der Geschichte, Altona, 1822, I. 21.

⁹ Demosthenes als Staatsmann und Redner, 466; Demosth. Philippicae, XXXIV.

¹⁰ ἐπίδειξις περὶ Λυσίου τοῦ ῥήτορος, Nürnberg, 1828, 12 ff. ¹¹ 4. ¹² 140.

¹³ ad Clinton, 105; Hist. Philol. Studien, Berlin, 1837, I. 102 f.; 232 ff.

¹⁴ Quaest. Demosth., Leipzig, 1837, II. 32 ff.; ed., XVI.

¹⁵ Praef. ad Platon. Menex., 14; Lysiaca ad illustrandas Phaedri Platonici origines, Leipzig, 1851, 15 f.

¹⁶ Geschichte und System der Platonischen Philosophie, Heidelberg, 1839, 520; 678, n. 572.

¹⁷ 184. He would not reject it upon the ground of the slight departure from Lysias' use of hiatus, alone. ¹⁸ 375 f.

Villemain,¹⁹ Caffiaux,²⁰ Grote,²¹ all accepted it as genuine. Schönborn,²² in 1833, had defended its authenticity. His argument from the connection between it and the Menexenus of Plato has been attacked by Lörz,²³ though the latter did not reject the Epitaphius. LeBeau²⁴ and Gevers²⁵ also defended it at greater length.

On the other hand, we find that it is rejected by Reiske,²⁶ Valckenär,²⁷ Wolff,²⁸ Sluiter,²⁹ Clinton,³⁰ Bernhardt,³¹ Sauppe,³² Dobree,³³ Meier,³⁴ Falk,³⁵ Scheibe,³⁶ Pertz,³⁷ Steinhart,³⁸ Hecker,³⁹ Kayser,⁴⁰ Schöll,⁴¹ Halbertsma,⁴² F. A. Müller,⁴³ Hentschel,⁴⁴ Hermann.⁴⁵ Dobree⁴⁶ and Hölscher⁴⁷ had previously advanced detailed arguments against the Epitaphius.

I shall examine in greater detail only the work of those scholars who have played the most important part in the controversy.

Dobree agreed with Valckenär that Lysias could not have delivered the Epitaphius. He further thought it unlikely that it was written for some one else to deliver, but admitted the possibility that it was a purely literary production. He based his

¹⁹ Essai sur l'Oraison Funèbre (quoted by Caffiaux, 81 f.).

²⁰ L'Oraison Funèbre, Valenciennes, 1861, 70 ff.

²¹ Plato and the Other Companions of Socrates², London, 1867, II, 256.

²² Über das Verhältniss in welchem Platon's Menexenus zu dem Epitaphius des Lysias steht, Gruben, 1833, 25 ff. Stallbaum and LeBeau also used this argument.

²³ Quae ratio inter Platonis Menexenum et Lysiae laudationem sive epitaphium intercedat disputatio, Trier, 1846. The same view is defended by Knöll, Sind Beziehungen zwischen dem Epitaphios im Menexenos und dem sog. Lysianischen nachzuweisen? Krems, 1873.

²⁴ Allg. Schulz. LXXVIII (1833); op. cit.; N. Jahrb. XCIII (1866), 808 ff. ²⁵ op. cit. ²⁶ 64.

²⁷ Hemst. et Valck. Orat., 218, cited by Dobree, 8 f.

²⁸ Euphem. Liter., Erfurdt. 1782, 34; ad Demosth. Leptinem, 363.

²⁹ 181. ³⁰ Fasti Hellenici, 269 Krüger. ³¹ 22, 43, 126, 310.

³² ad Lycurg. 144; Nachr. d. Gött. Ges. d. Wiss., 1863, 73 ff.; Gött. gel. Anz., 1864, 824 ff. ³³ 192; 195 ff.

³⁴ Index Scholarum, Halle, 1837, 12 f. ³⁵ 171 ff.; XIV.

³⁶ ed.², Leipzig, 1887, LXXIX. ³⁷ 13. ³⁸ Vers. Platon., VI. 369, 374.

³⁹ 2. ⁴⁰ Jahrb. f. Phil. LXXVII (1858), 373 ff.

⁴¹ Philol. XXV (1867), 166 ff. ⁴² 62. ⁴³ 3. ⁴⁴ 5 f. ⁴⁵ 4.

⁴⁶ Praelectio in Pseudo-Lysiae orationem funebrem, Cambridge, 1823 (op. cit., 3 ff.). He quotes Victorius as considering II genuine. ⁴⁷ 47 ff.

rejection on the points of contact with Isocrates' Panegyric,⁴⁴ from which he deduced that the author of the Epitaphius was the borrower. In style, also, he thought the author had imitated Isocrates, and while realizing that we have no criterion for Lysias' epideictic style, felt sure that it could not have been that of the Epitaphius. Hölscher advanced, in support of this view, details of style, such as excessive use of μέν and δέ, of antitheses, and the accumulation of synonyms.

Gevers emphasized the necessity of keeping absolutely distinct the dicanic and epideictic styles, and answered Hölscher's arguments against genuineness by pointing out that the very peculiarities to which he took exception, are characteristic of epideixis, (in its restricted sense).

LeBeau,⁴⁵ after citing the references of the ancients to the Epitaphius, among which he included Aristotle, Rhet. III. 10, answered the arguments that had been advanced against it, and attempted, though unsuccessfully, as I think, to prove that antitheses are found in equally great numbers in Lysias' other speeches. Between the Erotic and the Epitaphius he pointed out definite resemblances, e. g. balance of clauses and periods, artificial order, purely verbal antitheses. He defended Lysias' right to deliver the Epitaphius. He believed that Plato in the Menexenus wrote with direct reference to it, and regarded this as a proof of Lysianic authorship. Vömel⁴⁶ was convinced by LeBeau.

Sauppe had previously⁴⁷ based his rejection of the epitaphii that appear under the names of Demosthenes and Lysias, and also of the Menexenus, on the mention in them all of gymnastic contests on the occasion of the great public funerals of those

⁴⁴ For a list of these passages, see Wolff, 17 ff.

⁴⁵ op. cit. He quotes, as believing in genuineness, Auger and Belun de Ballu, Hist. de l'éloquence chez les Grecs I, 194. I have been unable to secure the original of LeBeau's work.

⁴⁶ Jahrb. f. Phil. LXXXVII (1863), 366 ff. He quotes, as rejecting the Epitaphius on pedagogic grounds, Classen in the preface to his third edition of Jacobs' Attica. For another favourable review of LeBeau, cf. Litt. Centralblatt, 1863, 1141 f. by an anonymous writer.

⁴⁷ Gött. Nachr., 1864, 199 ff.

who fell in war (Lys. Epit. 80; Dem. Epit. 36; Men. 249b). Because there is no mention of these games in Pericles' funeral oration, he believed that the custom did not exist until the beginning of the third century. But Blass⁴⁸ and other scholars opposed this view, and Sauppe's evidence is insufficient and his reasoning circuitous. Sauppe now⁴⁹ opposed LeBeau's arguments. First, he quoted Thuc. II. 34, Isoc. IV. 74, and Dem. XVIII. 285 to prove that Lysias as a metic could not have delivered the Epitaphius. He thought that the peculiarities of style are not sufficiently explained by the epideictic genre, and believed that the author used Isocrates' Panegyric. LeBeau⁵⁰ replied to Sauppe's criticism, and tried to confirm his previous contention, namely that Aristotle cites from Lysias' Epitaphius; that Lysias could and did deliver it; that it was the source for passages in Isocrates' Panegyric; and that Sauppe's objections on the score of style are invalid.

Eckert⁵¹ saw that the Epitaphius could only have been written as a μελέτη, but thought that the impossibility of assigning it definitely to any one year of the Corinthian War, and the lack of definite historical facts about the war prove that the author was a late rhetor. The style of the piece confirmed him in this conclusion.

Girard⁵² and Perrot⁵³ maintained its authenticity, and attributed its peculiarities of style to the exigencies of that department of literature.

Klügmann⁵⁴ regarded the Epitaphius as genuine, and thought the Panegyric had been written in dependence upon it. Landweer,⁵⁵ after going over the debated ground with some thoroughness, admitted that spuriousness could not be absolutely proved; still he urged against it lack of historical accuracy and the presence of a sophistic flavour. Furthermore, he thought it

⁴⁸ 441, n. 6. ⁴⁹ Gött. Gel. Anz., 1864, 824 ff.

⁵⁰ Jahrb. f. Phil. XCIII (1866), 808 ff. ⁵¹ op. cit.

⁵² Sur l'authenticité de l'oraison funèbre attribué à Lysias, Rev. Arch., 1872. ⁵³ Rev. des deux Mondes, 1871, 852; op. cit., 248.

⁵⁴ Die Amazonen in der attischen Litteratur u. Kunst, Stuttgart, 1875, 67 ff. ⁵⁵ op. cit.

probable that Lysias did not write epideictic pieces after the anarchy; but of this there is no proof. Gebauer⁶⁰ rejected, though Frohberger⁶¹ had accepted it.

Richter⁶² attempted to show by a detailed investigation of the style of II that it could not be the work of Lysias. Erdmann⁶³ rejected it, advancing as a new argument⁶⁴ that in contrast to the funeral orations of Demosthenes, Thucydides, and Hyperides, (cf. Dion. Hal. ars rhet. VI. 2), the Lysianic epitaphius is devoted, in great part, to the praise of the *πρόγονοι*; whereas the praise of those who are to be interred is given only two paragraphs (6 and 7). This precludes, according to him, the possibility that Lysias was the author, and proves that it was written by a late rhetorician. However, one might answer that a late rhetorician, writing in imitation, would be unlikely to deviate so obviously from the norm. Reuss⁶⁵ advanced as additional proof of the author's dependence on the Panegyric, parallels between 47 and Isocrates VII. 75, and between 32 and Isocrates VI. 100. Blass⁶⁶ pointed out the resemblance between 47 and Evagoras 62, and suggested that both authors in such isolated cases might be imitating Gorgias. In any case, it seems to me, a repetition of a commonplace need not be due to conscious imitation.

Albrecht⁶⁷ in approval of Richter's results, and Sittl⁶⁸ rejected the Epitaphius, as did Keil,⁶⁹ who thought that 2 was compiled from Thuc. II. 41. 4 and Isoc. IX. 62, and Buresch.⁷⁰ Blass⁷¹ believed with LeBeau and the ancient critics⁷² that the Epitaphius was written before the Panegyric. He thought that the question of authorship could be settled only on grounds of style,

⁶⁰ 7, n. 50. ⁶¹ *ibid.* ⁶² *op. cit.*

⁶³ *De pseudolysiae epitaphii codicibus*, Leipzig, 1881; *Pseudolysiae oratio funebris*, Leipzig, 1881.

⁶⁴ *Woch. f. klass. Philol.* VI (1882), 1184 ff.

⁶⁵ *Rh. Mus.* XXXVIII (1883), 148 ff. *Philol.* LII (1893), 615.

⁶⁶ 443, n. 5. ⁶⁷ *Zeitschr. f. Gymn.*, XXXVI (1882), 337. ⁶⁸ 145.

⁶⁹ *Analecta Isocratea*, Prague, 1885, 98. ⁷⁰ *Leip. Stud.* IX (1886), 90.

⁷¹ 436 ff. In his first edition, 432, he had thought that the Panegyric was the original.

⁷² *Pseudoplut.*, Vita Isocr. 837 f.; Theon, 63 Sp.; Photius, cod. 260, 1458.

and from a comparison of the style of the Epitaphius with that of the Olympiacus, concluded that Lysias could not be the author. Maass,⁷³ in defense of its genuineness, rejected this argument, and found in the strictly epideictic genre sufficient explanation of the style. Jebb⁷⁴ thought it the work of a late rhetor who copied from Isocrates, and Hallensleben⁷⁵ and Bergk⁷⁶ also considered it spurious.

Baur⁷⁷ and Böckh⁷⁸ thought the Epitaphius genuine and insisted that style should not be made a ground for rejection. Thomaschik⁷⁹ saw in the Epitaphius an example of genuine Lysianic art, not differing from the norm in composition, style, figures, or choice of words.

Weidner,⁸⁰ Pabst,⁸¹ and Nowack,⁸² without new evidence, rejected it. Wendland⁸³ insisted that the Epitaphius is at least an early production, and Dümmler⁸⁴ maintained that spuriousness had not been proved, and that the Panegyric is dependent upon it. Wolff⁸⁵ based his rejection upon the idea that the Epitaphius is, in part, imitation of the Panegyric, and found this imitation especially evident in 54-61 which seemed to him out of place while appropriate in the Panegyric, 103 f., 106, 115 f. The other grounds of rejection, he admitted, are inconclusive, but this one, he considered, would sufficiently disprove Lysianic authorship. Cosattini⁸⁶ defended at some length, but without advancing any new line of defence, the genuineness of II. Nietzsche⁸⁷ regarded arguments from style, and other objections to it as inadequate for proof, yet rejected it as being dependent upon the Panegyric. Thalheim⁸⁸ also agreed with Wolff that the author's use of the Panegyric demonstrated that the Epitaphius is not by Lysias. Polak,⁸⁹ Christ,⁹⁰ Hürth,⁹¹ all rejected it. Burgess referred to it

⁷³ *Deutsche Litztg.*, 1887, 1546 f.

⁷⁴ 208 ff. ⁷⁵ 4. ⁷⁶ 354 f. ⁷⁷ 70 f.

⁷⁸ *Encyclopädie der Philologie*, Leipzig, 1886, 212 f.

⁷⁹ *op. cit.* ⁸⁰ 6. ⁸¹ 30. ⁸² 104. ⁸³ *Hermes* XXV (1890), 181 ff.

⁸⁴ *Hermes* XXVII (1892), 282, n. 2. ⁸⁵ *op. cit.* ⁸⁶ *op. cit.*

⁸⁷ *op. cit.* Chaillet, *De orationibus, quae Athenibus in funeribus publicis habebantur*, Leyden, 1891, has been inaccessible to me.

⁸⁸ *B. P. W.* XVII (1897), 33; *op. cit.*, XXXVI.

⁸⁹ *Mnem.* XXIX (1901), 434 f. ⁹⁰ 375.

⁹¹ *De Gregorii Nanzianzeni orationibus funebribus*, Strassburg, 1907, 13.

as "probably spurious".⁹² Hude⁹³ admitted the difference between this and other Lysianic speeches, and promised a more detailed treatment in the future.

To sum up: the grounds of suspicion that have been advanced against the Epitaphius are its style, and its dependence upon the Panegyric. The question whether or not it could have been delivered by Lysias, or written by him to be delivered by some one else is no longer debated by scholars. No one would now attempt a defence of the Epitaphius except on the assumption that it is a literary effort.

It has been repeatedly acknowledged that we have no adequate criterion by which to judge the style of the Epitaphius. Lysias' epideictic style as seen in the Olympiacus is not necessarily his only epideictic manner, and unquestionably Gorgias' Epitaphius set the fashion for all successive literary funeral orations. As for the parallel passages in the Epitaphius and the Panegyric, it is quite conceivable that they are drawn from one and the same source, possibly Gorgias' Epitaphius, of which we have only the epilogue preserved (Diels, Vorsokratiker II, 556 f.). Otherwise the question, which was written first, can only be answered subjectively, as may be seen from the varying opinions of scholars on this point. If ancient authorities were unanimous in rejecting the Epitaphius, as they are unanimous in their acceptance, it may safely be presumed that not one modern scholar would speak in its defence. The burden of proof, therefore, is with those who reject it, and it is quite fair to say that they have not proved their case.

On the whole, decision in this case must be withheld. The peculiar quality of Lysias' style in dicanic, or rather in epideictic-dicanic speeches would be quite inappropriate to the conventional epitaphius. Ancient evidence points to his having composed an epitaphius worthy of him; it would hardly be expected that Lysias in such a composition would not control his terseness, his inversions, his audacity. Even if the Epitaphius could have been written for another to deliver on a real occasion,

⁹² op. cit., 147. ⁹³ X.

the employment of ethos would hardly have been in place. The personal ethos is no longer appropriate; there is substituted for it the ethos of the literary genre. So two criteria of genuineness, Lysianic quality of mind, as betrayed in his style, and ethos fail, in this case, of application.

IV.

Taylor¹ was the first to regard with suspicion IV, *περὶ τραύματος ἐκ προνοίας*, of which we find no mention in antiquity.² He thought it a mere imitation of the preceding speech, *πρὸς Σίμωνα*, and, since then, other scholars have hesitated to pronounce on its genuineness. Reiske,³ however, found no reason for rejecting it. Jacobs,⁴ followed by Bremi,⁵ considered it not Lysianic. Dobree⁶ suggested the alternate possibilities of a spurious epitome, or a genuine epilogue. Falk⁷ was the first to advance detailed arguments against the speech, in substantiation of Taylor's point of view which Hölscher⁸ had found altogether untenable. Scheibe, at first,⁹ though finding differences between IV and other Lysianic speeches did not question its authenticity. Although he afterwards¹⁰ agreed with Falk's rejection, he seems finally, in his edition, to have accepted IV as genuine, though mutilated. Falk,¹¹ struck by the absence of

¹ Taylor, 164. "Multis modis mihi videtur hanc declamatiuncula in umbra scholae μελετᾶσθαι, ad imaginem superioris orationis elaborata, cui deinde ob argumenti affinitatem in scriptis codd. ut fieri solet, perpetuo adhaesit".

² Dobree, 198, pointed out the error made by Valesius (ad Harp. ἀπολαχεῖν), who identified IV with a *κατὰ Ποσειδίππου*, cited by Suidas under *διαλαχεῖν*, recalling that this speech was written *πρὸς τινά*, not *κατὰ τινος*. So too, Hölscher, 164.

³ 184, "Nil video, quare Lysiae abiudicare debeat haec oratio, quae ingenium eius respiret".

⁴ Animadv. in Ath., 262.

⁵ 444. Nowack, 102, misquoted Jacobs and Bremi as rejecting XXII.

⁶ 198. ⁷ 54 f. ⁸ 55. ⁹ 363, answered by Blass, 585 ff.

¹⁰ Fleck. Jb. Suppl. Bd. I (1855/6), 301. ¹¹ l. c.

formal proem,¹² narrative and proof, and in particular, by the absence of the evidence referred to in 12,¹³ declared that this could not be the main speech of the defendant. If, then, we consider it a *δευτερολογία*, yet we cannot, according to Falk, believe in its genuineness. For in that case we should be compelled to assume that both parties to a suit were in possession of each other's speeches and arguments, in order to make it possible that Lysias could write this, and give it to his client before the trial. Therefore, since this is out of the question, a *δευτερολογία* is necessarily extemporaneous, and, therefore, not written by Lysias. Nor does the assumption that the beginning has been lost remedy matters; the lack of arrangement remains to be considered. Ultimately, it is upon Taylor's argument that Falk based his proof of spuriousness, that is, upon the similarity in subject of III and IV, and the difference in the form and tone of the two.

Now, while it seems impossible to deny the similarities between III and IV,¹⁴ there is no reason why we should not have two speeches on the same subject, entailing some similarity in detail, nor why we should deduce spuriousness from the greater frankness and incoherence of IV. Both frankness and incoherence belong to the realm of ethos. If Lysias wrote twice on the same theme, it is only natural to find some variation in treatment, and it is not just to ascribe intentional incoherence in a composition to inability to compose. III illustrates Lysias' skill in arrangement; IV, his cleverness in ethopoiia.

Francken, overlooking the work of Falk,¹⁵ and remarking that Taylor's argument scarcely needed refutation, did not reject

¹² For Lysias' omission of a proem, see Dion. of Hal. de Lysia, 17, ἡδὴ δὲ ποτὲ καὶ ἀπὸ μόνης ταύτης (i. e. τῆς προθέσεως) ἤρξατο, καὶ ἀπροσμί-
αστως ποτὲ εἰσέβαλε τὴν διήγησιν ἀρχὴν λαβών.

¹³ The τεκμήρια and μαρτύρια mentioned in 12 evidently refer to the circumstantial evidence that has just been given, and to the testimony that would have been elicited from the girl, had she been submitted to the βάσανος, though Blass 585, n. 2, gave a slightly different explanation.

¹⁴ An inadequate attempt is made by Blass, 586, n. 3.

¹⁵ 37, "Nemo postea (i. e. after Taylor) de auctore dubitavit". Westermann, XVI, mentioned IV as generally rejected.

the speech outright,¹⁶ but in any case assumed mutilation,¹⁷ as did Parow.¹⁸

Stutzer¹⁹ expressed his opinion that IV was an epitome, but did not fulfil his promise to prove this. Hofmeister²⁰ rejected it because the names of the plaintiff and defendant are not given, and because he failed to grasp their rank in life. Nowack,²¹ who accepted IV, justly characterized Hofmeister's rejection as rash.

Blass²² did not hesitate to ascribe IV to Lysias, but thought either that the first part had been mutilated, (Sittl²³ believed that the beginning had been lost), or with Sauppe,²⁴ that it is a deuterology.

Blass refuted Falk's arguments from lack of arrangement, but left unanswered the significant observation that a logographer could not write a *δευτερολογία* without an acquaintance with the preceding speech made by the opponent; therefore, since writing speeches for both plaintiff and defendant was a highly exceptional practice,²⁵ it is obvious, unless we insist upon the spuriousness of all *δευτερολογίαι*, that a speech such as the one before us was written either as a mere παίγνιον, or as a model *δευτερολογία*, being in neither case designed for actual use in the courts.²⁶ The absence of all proper names would point to this conclusion.

It is necessary, for the sake of completeness, to mention finally the opinions of Jebb²⁷ and Baur,²⁸ the former in favour of the genuineness of IV, the latter adopting Falk's arguments against it; as neither of these, however, has contributed any-

¹⁶ 237, "Dubia, utique ἀκέφαλος; fortasse est exercitatio rhetorica".

¹⁷ As Hamaker, 4, had already done, followed by Scheibe, Vindiciae Lysiacae, Leipzig, 1845, praef., X.

¹⁸ 37. ¹⁹ 521, n. 1. ²⁰ 23. ²¹ 100. ²² 583 ff. ²³ 152. ²⁴ ed. Tur. adn.

²⁵ cf. Egger, Si les Athéniens ont connu la Profession d'Avocat, Paris, 1860, 14 f.

²⁶ It is only a logical consequence of the question raised by Falk as to the possibility of genuineness of *δευτερολογίαι* to deny the possibility of genuineness of the *πρωτολογία* on the defense, itself an answer to the *πρωτολογία* of the prosecution. This is another sign-post pointing to the general conclusion, that speech writing, as indulged in by Lysias, was par excellence a literary pursuit. ²⁷ 280 f. ²⁸ 107.

thing new to the discussion, this bare mention of their opinions suffices.²⁰ With the fall of Falk's arguments, fall all objections to the genuineness of IV.

²⁰ Weinstock, 46, bracketed IV.

V.

The fifth speech, *ὑπὲρ Καλλίου*, perhaps because of its fragmentary condition, has all but escaped adverse criticism. Francken,¹ however, mentions it a little dubiously, as a "parvum fragmentum quod Lysiae esse potest". This does not amount to rejection, and is too intangible for argument.

¹ 237.

VI.

VI, *κατ' Ἀνδοκίδου ἀσεβείας*, is cited three times by Harpocration,² twice with the addition of *εἰ γνήσιος*. Modern scholars have almost universally rejected this speech. Of them Ruhnken³ was the first to declare it spurious, basing his rejection on supposed ignorance of Andocides' history and on contradictions within the speech.⁴ This judgment was repeated with detailed substantiation by Sluiter,⁵ who quoted Valckenär and Luzac as

¹ s. v. *καταπλήξ* and *φαρμακός*, in both cases with *εἰ γνήσιος*; s. v. *ρόπτρον*, where no comment is added.

² See Reiske VIII, 234.

³ It is scarcely justifiable to call 31 and 48 contradictory. They are, rather, different points of view. Andocides' fortune has been wasted in saving himself from danger (*ἐκ τῶν κινδύνων*); on the other hand, he has not used money in the service of the state.

⁴ 111 ff. His argument from the mention of the Herm in 11 f. has been refuted by Kirchhoff, *Hermes* I (1866), 8 ff., who thought that VI was unquestionably written by a contemporary of Lysias, and that it was delivered in court.

agreeing with him.⁶ Bremi⁷ also regarded it as spurious. Franz, who first⁸ defended the speech as possessing Lysias' style and lacking none of his characteristics, as consistent, historically accurate, and actually delivered in court, later retracted.⁹

Dobree¹⁰ thought the speech so unlike Lysias' speeches that it could not have been written in conscious imitation of Lysias. It is difficult to understand how he would account for its intrusion into the Lysianic corpus. He did not decide whether it was actually delivered. Sluiter had advanced arguments for the view that VI was the work of a late sophist or rhetorician, not far removed from the time of Demetrius of Phalerum. These arguments Dobree assailed. He answered the criticisms that the speech consisted entirely of declamation and that there was no proof, by maintaining that VI was a *δευτερολογία*. Absence of narrative was accounted for on the same grounds, or it might have been found in that part of the speech which has been lost. One would not expect, he argued, quotation of laws or decrees in a *δευτερολογία*; the sophistic phrases occur in passages where the text is corrupt; he could find no "nitor fucatus" about the speech; the speaker might have been either Epicrates or Meletus. Dobree left unsettled the question of dependence upon Andocides I.

Becker¹¹ cited Goddeck, *Init. Hist. Lit.* I², 182, as holding that Lysias himself delivered VI in court. He himself agreed with Sluiter that the author was a sophist of the time of Demetrius. Hölscher¹² repeated some of Sluiter's arguments against the speech, such as the absence of laws, witnesses and proof, but thought the author a feeble imitator and contemporary of Lysias. The historical inconsistencies pointed out by Ruhnken and Sluiter, are not, according to Hölscher, real inconsistencies;

⁶ Dobree, 200, says that Valckenär in 1756 when he wrote his *adversaria*, did not doubt its authenticity, and that Sluiter "falso exhibet eius verba". Becker, however, *Andocides*, Leipzig, 1832, 5, quotes Valckenär and Luzac as agreeing with Sluiter.

⁷ XVIII. Nowack, 104, cites Förtsch as rejecting VI in his edition. ⁸ *περὶ Λυσίου τοῦ ῥήτορος*, 8 ff. ⁹ 279. ¹⁰ 200 ff. ¹¹ op. cit., 5 ff.

¹² 56 ff. *Quaestiunculae Lysiacae*, Erfurt, 1857, 19 ff.

on the contrary, he found much that is evidence of accurate knowledge of the times. Therefore he believed that it was a *δευτερολογία* actually delivered by Meletus in the trial of Andocides. His arguments did not, however, convince Falk,¹³ who thought it spurious and not written by a contemporary of Lysias. Pertz¹⁴ rejected VI, and so did Francken,¹⁴ who attributed it to a late rhetor. Kayser,¹⁵ without defending Lysias' authorship, considered that it was written by an eager partisan of the prosecution at the time of the trial. He suggested that it might be an invective against Andocides, spread abroad in manuscript form. Fränkel¹⁶ maintained that it was actually delivered in court. Parow¹⁷ left untouched the question of authorship, but gave it as his opinion that in its present form it is the result of fragments put together at hazard.

Perrot¹⁸ did not reject VI outright; he believed, in any case, that it was written by a contemporary of Lysias, and delivered possibly by Callias, a suggestion neglected by most scholars, and refuted by Lipsius.¹⁹

F. A. Müller,²⁰ Götz,²¹ Frohberger,²² Gebauer,²³ Baur,²⁴ Sittl,²⁵ Scheibe,²⁶ all rejected VI.

Bergk²⁷ relying upon a notice in Suidas,²⁸ advanced the theory that VI is the work of Theodorus of Byzantium, written for and delivered by Epichares whose scurrilous attack (And. I. 100) has been lost in the loss of the beginning of the speech. He suggested that the author accommodates himself, as far as possible, to the manner of the sycophant. Blass²⁹ disposed finally of the arguments from inconsistency with Andocides I,

¹³ 65 ff.; XIV. Westermann, XVI, mentioned it as generally rejected.

¹⁴ 13. ¹⁵ 43 ff.; 237. ¹⁶ 326 f. ¹⁷ Thesis I.

¹⁸ 40 ff., opposed by Nowack, 104.

¹⁹ Perrot, *L'Éloquence politique et judiciaire à Athènes*, Paris, 1873, I, 194.

²⁰ Andocides, Leipzig, 1888, X, n. 35. Rögholt and Schneider also rejected the possibility that Callias could have delivered VI. ²¹ 3.

²² J. J. Suppl. VIII (1875/76), 540 f. ²³ proleg., ed. 1875, 6, n. 41.

²⁴ 7, n. 50. ²⁵ 116. ²⁶ 153. ²⁷ ed., LXXX. ²⁸ 356 f.

²⁹ s. v. *Θεόδωρος*. *Θεόδωρος Βυζάντιος σοφιστής . . . ἔγραψε κατὰ Θρασυβούλου, κατ' Ἀνδοκίδου καὶ ἄλλα τινὰ . . .*

³⁰ Andocides², Leipzig, 1880, XVIII; op. cit., 562 ff.

and of other points that had been adduced to prove VI a late forgery. Against its genuineness he advanced the sycophantic nature of the speech, its lack of convincing power, absence of Lysianic simplicity and conciseness, and the occurrence of rare turns and phrases. He admitted, however, that the general scheme of composition and the use of figures are not inconsistent with Lysianic usage. He concluded too hastily from the note in Suidas, and in agreement with Bergk's suggestion, that the ancients had ascribed this speech against Andocides to Theodorus. For undoubtedly many of the rhetoricians wrote against Andocides, as they did against and for many prominent men of the time. Blass thought that VI was delivered either by Meletus or Epichares, and then published, for the sake of its contents, as a counterpart of Andocides I, probably with some changes and additions. Jebb³⁰ repeated in substance the conclusions reached by Blass. Weidner³¹ rejected the speech.

Lipsius³² thought it was written at the time of the trial, but as a rhetorical production in imitation of a dicanic speech, just as Polycrates wrote what purported to be a speech of Anytus against Socrates.³³ He did not deny that the author might be Theodorus. Nowack³⁴ rejected VI without discussion.

Zutt³⁵ explained VI as an epitome of a speech actually delivered before the court in accusation of Andocides, to which Andocides I is the answer. Rögholt³⁶ thought also that it was delivered, and written either for Meletus or Epichares by a contemporary, perhaps by Theodorus. Wilamowitz³⁷ referred to it as Ps. Lysias (Meletus) against Andocides.

Bruns³⁸ held that it is a rhetorical production, written shortly after the trial, and advanced in behalf of this view the disparities between Andocides I and Lysias VI, the attack on Cephisius in 42, and especially the unsuitability for the law-court of the invective. Herwerden³⁹ thought it a late rhetorical exercise, in agreement with Francken, whose arguments had, however,

³⁰ 281 ff. ³¹ 6. ³² Andoc. V, n. 1; VIII, n. 18; X, n. 35.

³³ cf. Hirzel, *Rh. Mus.* XLII (1887), 239 f. ³⁴ 104.

³⁵ op. cit. ³⁶ op. cit. ³⁷ II, 249, n. 55. ³⁸ 479 f. ³⁹ 39 f.

recently been attacked in detail by Zutt and Rögholt. Croiset⁴⁰ and Thalheim⁴¹ rejected it without any discussion of its authorship.

Weber⁴² attempted to demonstrate, at some length, the correctness of the view held by Lipsius. He thought that VI was written after the trial, probably after the author had seen Andocides' speech. Drerup⁴³ in a review of Weber, rejected, as he had done, Zutt's theory that it is an epitome. He too regarded VI as a literary production, written by Theodorus; he attempted a proof of this from a stylistic investigation of VI.⁴⁴ But in view of the fact that we know of Theodorus' style only what may be gathered from Dionysius, de Isaeo 19⁴⁵ and Cicero, Brutus 12. 48⁴⁶ such identification can never be more than conjecture.

V. Schneider⁴⁷ summed up the arguments in behalf of the view defended by Weber and Drerup. A contemporary is indicated by the exact historical knowledge displayed in the references to Evagoras, 26, to Batrachus, 45 (cf. XII. 48), in mention of the two *ἐνδείξεις* in 30, and in the biographical information about Andocides in 46. 19 is suitable only to the main accuser,⁴⁸ and 42 precludes the thought of Cephisius; 31, mention of the sycophants, is not in place in a sycophant's speech delivered in court, but suggests sophistic origin for VI. The declamatory tone, intentional falsifications of fact in 51, the invective against Andocides, all point to the same conclusion.

Schneider rejected Blass' suggestion of revised publication, because he could not see the reason for such additions as 42. The author of this speech had before him Andocides I,⁴⁹ and

⁴⁰ 449, n. 1. ⁴¹ XXXVIII. ⁴² op. cit. ⁴³ B. P. W. XXI (1901), 257 ff.

⁴⁴ Jahrb. f. Phil. Sup. XXVII (1902), 337 ff. Drerup in his edition of Isocrates (Leipzig, 1906), prints Isocrates I as *Θεοδώρου τοῦ Βυζαντίου πρὸς Δημόνικον*.

⁴⁵ *ποιητικὴ κατασκευὴ καὶ τὸ μετέωρον δὴ τοῦτο καὶ πομπικὸν εἰρημένον*.

⁴⁶ "in orationibus ieiunior."

⁴⁷ Jahrb. f. Phil. Sup. XXVII (1902), 352 ff.

⁴⁸ Thalheim, B. P. W. XIV (1894), 1063, considered this passage corrupt, thought it impossible to draw conclusions from it, and emended it in his edition.

⁴⁹ cf. And. I. 32, 137-139, 85-87, 64, with Lys. VI, 5, 19 f., 10, 22, respectively.

this author was a contemporary of Lysias. VI is a sophistic invective to be attributed, in all probability, to Theodorus of Byzantium. This conclusion is based, in part, upon Drerup's stylistic investigation.

Polak⁵⁰ agreed with Blass and Jebb that VI was delivered in court. The authorship of Theodorus seemed to him not improbable, but by no means certain. Motschmann⁵¹ and Christ⁵² simply rejected VI.

Now that VI which was once regarded as the product of late rhetoric, has been rehabilitated as the work of a contemporary, it is worth while to look closely at the reasons given by scholars for denying absolutely the authorship of Lysias, though they do not hesitate to attribute it to a writer of the same age, of whom our knowledge is practically negligible.⁵³ Lysianic simplicity and logic may be lacking, but similar accusations have been brought against XIV, *κατ' Ἀλκιβιάδου α'*, also a rhetorical invective, yet XIV has not been unanimously rejected. The occurrence of commonplaces and the touch of unnatural pathos, or rancour, or sycophancy,—for various scholars give various interpretations,—may account for the lack of convincing power in the speech. In my opinion the only attempt that Lysias made to convince was the attempt to render convincing the character of his spokesman through his attitude to Andocides. The nature of the mirror determines the form of the thing reflected. The archaistic and poetic turns may cause difficulty, but why with Lysias, and not with Theodorus? If Lysias was a master of ethos, he could, no doubt, assume the language of his adopted and possibly fictitious spokesman. That is what Polycrates attempted when he wrote in the person of Anytus against Socrates. The sentence structure, the use of rhetorical figures, the general scheme of composition, are all confessedly Lysianic.

⁵⁰ Mnem. XXX (1902), 370 f. ⁵¹ 33. ⁵² 383.

⁵³ The fact that Theodorus is recorded as the author of speeches against Thrasybulus and Andocides gives us no right to identify with them those attributed to Lysias. Another speech against Andocides is cited as Lysianic, *ἐλ γνήσιος*, by Harpocration, s. vv. *ἐπίγνιον* and *πλειστηρίασαντες*.

Is it not indiscreet to reject outright on grounds of the intrusion of poetic and archaistic expressions,—an intrusion that is probably intentional,—a speech otherwise not unlike those of Lysias?

It is with a legal and hierophantic (cf. 54) background, then, that Lysias has written this invective, and placed it in the mouth of an ardent partisan, a superstitious, narrow-minded conservative, whose reactionary views are suitably clad in old-fashioned language. A parallel to the peculiarity of the language might be sought in the differentiation of language appropriate to Heliastic and Areopagitic courts, and, in modern times, in the distinctive language of the priestly families in Russia. Whether or not Athens recognized the speaker, may be matter for speculation.

VII.

VII, *περὶ τοῦ σηκοῦ*, is the only instance in which modern scholars have refrained from basing rejection of a speech, or at least a doubt of its genuineness, upon adverse criticism that has come down from ancient times. It was the rhetorician Paulus from Mysia who, according to Photius,¹ rejected this speech; but his methods of criticism in general seem to have led him to athetesis. He was not the only one to question the genuineness of VII. But of the arguments of Paulus or the other athetisers we know nothing,² and Photius contents him-

¹ cod. 262:—'Αμφιβάλλεται μὲν παρ' ἐνίοις ὁ περὶ τοῦ σηκοῦ λόγος. . . . A detailed defense of VII follows, and then we read Παῦλος δὲ γὰρ ὁ ἐκ Μυσίας τὸν τε περὶ τοῦ σηκοῦ λόγον, οὐδὲν τῶν εἰρημένων συνιέει, τῆς [τε] γνησιότητος τῶν Λυσιακῶν ἐκβάλλει λόγον. . . .

² Jebb, 292:—"Photius says . . . that the rhetorician Paulus of Mysia, in particular, denied its genuineness, for the unconvincing reason, that he could not understand a word of it". What seems to Jebb an unconvincing reason is really an error of interpretation on his part. Not even Paulus could have failed to understand VII, nor could he have given such an argument against it. τῶν εἰρημένων in the phrase under consideration, refers to Photius' own preceding exposition of the Lysianic traits found in the speech, not to the speech itself, as if it were τῶν ἐν τῷ λόγῳ εἰρημένων. Paulus, Photius means, rejected the speech because he failed to understand the criteria of genuine Lysianic speeches.

self with proving its genuineness from its regularly Lysianic prologue, narrative and epilogue, its clearness and brevity, its antitheses of thought and word, and the well-constructed cola of the periods.

We cannot attribute any significance to a rejection of which we hear no details or reasons. Of Paulus of Mysia himself, we have but scant knowledge.³ It is noteworthy, finally, that Harpocration quotes twice without comment a speech of Lysias, *περὶ τοῦ σηκοῦ*.⁴

³ Suidas, s. v. Παῦλος. ⁴ s. vv. σηκός, ἐπιγνώμονας.

VIII.

VIII, *κατηγορία πρὸς τοὺς συνουσιαστὰς κακολογιῶν*, not mentioned in antiquity, has come down to us badly mutilated, and is perhaps of all the extant speeches in the worst condition.

Taylor¹ and Markland² expressed doubt of its genuineness. Reiske³ refused to decide the question, because much of the obscurity, he felt, is due to our ignorance of the facts. He thought it a letter or formula of renunciation of friendship, unique of its kind, and by no means a dicanic speech.

Spengel⁴ contented himself with dating the speech "before the anarchy", and with pointing out that the first words of the proem suffice to disprove Reiske's theory of its being a letter. Similarly, Franz⁵ merely assigned it to an early date, i. e. to before 406 B. C.

Dobree⁶ held that VIII, like XI, *κατὰ Θεομνήστου β'*, is an excerpt. Hölscher,⁷ believing that the difference in style between Lysias' early and his late manner would be slight, saw in

¹ ed., Cambridge, 1740. In Reiske, 395, he says only, "Oratio qua lutum non lutulentius". ² 296. ³ 296. ⁴ 125.

⁵ De locis quibusdam Lysiae arte critica persanandis, Münster, 1830, 3; ed., 249. ⁶ 207.

⁷ 70 ff. Of his detailed objections, most have been satisfactorily answered by Pertz, Gevers and Scheibe.

the excessive antitheses, the repetitions, the confused structure, and intricate verbal constructions, reasons for rejecting it, rather than assigning an early date. Like Spengel he thought it a mere "exercitatio".

Gevers⁸ defended the speech against Hölscher, who had himself confessed that the grounds for his rejection were slight. He found less to criticize in the sentence structure than Hölscher, and accounted for singularity of diction by the condition of the mss. He therefore accepted Spengel's dictum that Lysias wrote VIII before the anarchy. Scheibe⁹ repudiated Reiske's hypothesis that it is a letter and hesitated to reject the speech outright, though he thought it strange that matters of such slight import should occupy Lysias' attention. He pointed out that the condition of the text makes it very difficult to reach a final conclusion, and admitted that triviality of theme, and the use of expressions not elsewhere occurring in Lysias are insufficient grounds for rejection.

Benseler¹⁰ condemned VIII because he observed avoidance of hiatus, and assigned it to "rhetori cuidam eique non optimo seriorum temporum, quo etiam ducit argumentum exile".

Falk¹¹ did not question its genuineness, and thought it was probably written for actual use and delivered before a club of friends or acquaintances. In a purely fictitious case a rhetor, according to Falk, would have made a clearer statement of much that is merely alluded to, because it was obviously known to the audience addressed. O. Müller¹² also accepted the piece as Lysianic, but believed it was based upon circumstances of real life, and that, though sophistically worked out, it was Lysias' own farewell to former comrades and friends. Bergk¹³ called it a *παίγνιον*, and assigned it to Lysias' youth.

Pertz¹⁴ thought it suspicious that VIII was found in Marci-
anus G, in which II and VI are the only other speeches pre-

⁸ 10.
⁹ 364 f. In his edition, he still leaves the question of authenticity unanswered, as does Westermann in his edition.

¹⁰ 183 f. ¹¹ 101 f. ¹² 374, n. 3.

¹³ Philol. XXV (1859), 183; op. cit. 353. ¹⁴ 13 ff.

served, as well as in X and its derived mss. For this reason, and because he missed a formal proem and narrative and found the thought generally frivolous, he decided that it had come only accidentally into the Lysianic corpus, and is, in reality, a rhetorician's *μελέτη*. Most of his objections to words that he thought unusual and late have been answered by Polak.¹⁵ Francken¹⁶ felt that the only way to preserve VIII for Lysias was to assign it, as Spengel and other scholars had done, to the period of Sicilian influence on Lysias, but himself preferred to reject it as being the work of a rhetorician, mainly because of the inherent obscurity. Kayser¹⁷ accepted Benseler's criterion and decision and rejected the speech, regarding it as the product of an Isocratean.

F. Kirchner,¹⁸ in an investigation which attempted to obviate, whether by interpretation or emendation, many of the difficulties in diction that had been pointed out by previous scholars, expressed as his opinion that those who had rejected the speech judged "celerius quam verius". Parow¹⁹ referred to it as "lacunosa et mutila", but not as spurious. Perrot²⁰ reverted to Reiske's idea, and saw in VIII a letter of which the theme is developed in sophistic fashion; according to him then it is part of Lysias' sophistic work. F. A. Müller²¹ mentioned it as unquestionably spurious.

Gleiniger²² pointed out that much in the speech is indicative of composition in Lysias' time.²³ He urged that the wealth of detail and the absence of generalizing commonplaces prove that it can be no mere rhetorical exercise. Hiatus, he showed, is less carefully avoided than Benseler believed. Because of the obscurity he thought that the present form of VIII is an intentional corruption of the original Lysianic speech. He ascribes the intrusion of late and unusual forms partly to the work of an epitomizer, and partly to that of the copyist. Bürmann²⁴ in

¹⁵ Mnem. XXXI (1903), 157 ff. ¹⁶ 59 ff.; 237, "suppositicia". ¹⁷ 327.

¹⁸ Quaestionum Lysiacarum specimen, Demmin, 1869.

¹⁹ 39. ²⁰ 249. ²¹ 3. ²² 150 ff.

²³ So, 15, the proper names; 10, the normal cost of a horse, (cf. Aristophanes, Nubes, 22 f.; 122 f.); 6, the tone of reverence in reference to Eleusis. ²⁴ Hermes X (1876), 347 ff.

opposition to this view maintained that VIII is a *μελέτη*, written for a fictitious case, and that too at a late date. This he attempted to prove by pointing out the use of unclassical words and grammatical peculiarities, which however have been adequately explained both by Röhl,²⁵ who admitted spuriousness but refused to consider it a late *μελέτη*, and by Polak.²⁶

Jebb's²⁷ singular invective against the worthlessness of the piece has been sufficiently commented upon by Polak.²⁸ Fritzsche²⁹ in a dissertation that has added little to attempted proofs of spuriousness,³⁰ rejected the speech.

Albrecht³¹ expressed his agreement with the view suggested by Dobree and adopted by Gleiniger. Herrmann,³² on the contrary, agreed with Bürmann that it is no excerpt, but spurious. Thalheim³³ also rejected the theory that it is an epitome. In defense of this view Stutzer³⁴ used as his main argument the obscurity, which seemed to him also a proof that it could not be a *μελέτη*. He thought the epitome had been made for the sake of the rhetoric; that only enough of the original had been preserved to afford a setting; and that the original belongs to Lysias' early, sophistic period. Pretzsch³⁵ and F. Schultze³⁶ also agree that VIII is an epitome. Gebauer³⁷ and Sittl³⁸ tacitly assume spuriousness.

Blass³⁹ declared VIII spurious, using as a criterion avoidance of hiatus, some peculiarities in expression,⁴⁰ the excessive simplicity that is nevertheless combined with pointed antitheses

²⁵ Bursian, IX (1877), 262 f.; Zeits. f. Gymn., XXXI (1877), 36 f.; XXXV (1881), 191 ff. ²⁶ l. c. ²⁷ 301. ²⁸ 164.

²⁹ De pseudolysiae oratione octava, Rostock, 1877. He quotes as having suspected the speech, a certain Wilkius (?) in a Leipzig Programme of 1870, "Die achte Rede des Lysias". I have been unable to secure this programme, or to find any detailed account of it. There is a bare mention of it by Nowack, 205, and another by Hallensleben, 4, n. 23.

³⁰ Reviewed by Blass in Bursian IX (1877); referred to by him in A. B. I, 642, n. 6, as "wenig bedeutend".

³¹ 20. ³² 5. ³³ Jahrb. f. Phil. CXVII (1878), 549. ³⁴ 499 ff. ³⁵ 38 f.

³⁶ De Lysiae oratione trigesima, Berlin, 1883, 27 f. ³⁷ 7, n. 50.

³⁸ 151. He pointed out that only in VIII. 18, do we find *μὰ τοὺς θεούς*, the solitary parallels to which are VI. 7, 32, 38, *μὰ τὸν Δία*. ³⁹ 640 ff.

⁴⁰ Including some that have been defended by other scholars;—for 10, *φιλοσοφούντας*, see Scheibe, 365; 7, *πολύφίλος*; 17, *ἀπόθετος*, *παρακαταθήκη*, have been paralleled by Polak, l. c.

and paranomasia; his final argument was that he could not find natural ethos or any other Lysianic quality in it. An epitomizer, he thought, would not have avoided hiatus. He was inclined to agree with Reiske that it is a letter, or rather a letter of resignation in the form of a speech; he believed that it was written for actual use before an *ἰδία ὁμιλία*.⁴¹ He dated it towards the end of the Attic period, but admitted the impossibility of arriving at a definite conclusion concerning this unique piece of work.

Hallensleben⁴² in a programme not highly valued by Nowack,⁴³ rejected it mainly on grounds of excessive antitheses and unpleasant verbal repetitions. He thought it was actually delivered in an assembly of friends. Weidner⁴⁴ reverted with some hesitation to the idea that VIII is an epitome. Nowack⁴⁵ rejected it.

Vianello,⁴⁶ as Baur⁴⁷ had already done, accepted it as genuine, while Christ⁴⁸ did not even raise the question of authenticity.

Herwerden⁴⁹ spoke of it as "futilis et obscura", and bracketed it in his edition. Schneider⁵⁰ and Croiset⁵¹ considered it spurious. Thalheim⁵² expressed himself with less finality. Hude bracketed the speech.

Polak⁵³ dated the speech at the end of the fourth or beginning of the third century B. C., rejecting Bürmann's arguments for a later and Thalheim's for an earlier date of composition.⁵⁴ He thought it was written for an actual occasion, and so, with Falk, explained the obscurity by assuming that the writer merely alluded to facts already known to the judges. The ethopoiia that he found, he thought unintentional, and therefore more effective; finally, he resented the low valuation of the speech by Blass and Jebb.

The one point upon which scholars agree in reference to VIII

⁴¹ cf. Anaximenes, Rhet. I; Dionys., de Thuc. 49. ⁴² op. cit.

⁴³ 104, he speaks of it as "nullius pretii". ⁴⁴ 6. ⁴⁵ 104 f.

⁴⁶ L'ottava orazione di Lisia e le società private Atheniensi, Genoa, 1895. See Bursian, 84, for a review of this. Ferrai is cited as believing either in spuriousness, or at least in considerable revision.

⁴⁷ 149 f. ⁴⁸ 376. ⁴⁹ Mnem. XXV (1897), 217. ⁵⁰ 357. ⁵¹ 449, n. 1.

⁵² XXXIX. ⁵³ Mnem. XXXI (1903), 157 ff.

⁵⁴ He explained the use of *ἐὺν* as conscious Atticizing.

is that it certainly was never delivered, or written for delivery, before a court.⁵⁵ Whether or not it was written for delivery before an assembly of friends is still a moot point. The main argument urged against its being a merely epideictic piece is the obscurity which has, I think, been overemphasized, without sufficient consideration of the condition of the text. The general situation is clear: a man who has been treated by members of his club in such a way as virtually to oblige him to resign, turns the tables and, in an address to them which is in fine an accusation of them, signifies his intention to withdraw. The story of the horse (10 f.) is more than an allusion, and the text is responsible for the blurred outlines. It is unlikely that such a speech was written by another than the man who delivered it, and still more unlikely that, if it was not written for publication, it should have been preserved. It is not of course a μελέτη in the sense of a rhetorical treatise on an abstract theme, but it is almost certainly, as Bergk thought, a παίγνιον. The fact that it has come down also in a separate ms. should be a confirmation, rather than cause for doubt, of its authenticity. The combination with II and VI suggests that the scribe chose samples of various types of Lysias' work,—the epitaphius, the invective, the παίγνιον,—all of them epideictic.

Avoidance of hiatus, which is noticeable, but which Benseler, as Gleiniger pointed out, exaggerated might suggest that Lysias, at one period of his career, entered into rivalry with Isocrates; we know that in several instances they wrote on the same themes.⁵⁶ There is no foundation for the assumption, made by those who date the speech early, that Lysias as he grew older was less influenced by Sicilian rhetoric, or that he could not have written such a παίγνιον long after he was established in Athens. The fact that Plato, in the Phaedrus, after Lysias had gained fame, used the Eroticus to characterize the Lysianic manner is significant.

⁵⁵ Meier u. Schömann, *Der Attische Process*, ed. Lipsius, Berlin, 1883/87, 628.

⁵⁶ Isocrates XXI and Lysias fr. XXIV; Isocrates XVI and Lysias XIV, XV.

The theory that it is an epitome, so easily advanced, so incapable of proof, does not obviate any difficulties. The remaining objections to genuineness,—first the antitheses, and secondly the occurrence of unusual forms,—are less significant than they would appear at first sight. Since this piece is unique we have no fair standard by which to judge its rhetoric, and though Lysias as a rule uses antitheses with moderation, still with this type of speech he may have been guided by conventions. The citation of parallels or justifiable emendation has removed nearly all the exceptions taken to certain unusual forms. To balance these we have the use of ξύν and other minor indications of an early date.

The humour of the situation and the irony with which the speaker is characterized are, one would think, unmistakable. In both Lysianic inversion plays a part. The conclusion (18 ff.) is, as Baur remarked, especially good. Certainly one must say that the summary rejection of the speech which has been the fashion of late years is unwarranted.⁵⁷

⁵⁷ It is interesting to compare with the invective against the evil speakers in this piece, Theophrastus' description of the evil speaker (Jebb-Sandys ed., 1909, 112 f.):—καὶ συγκαθήμενος δεινὸς περὶ τοῦ ἀναστάντος εἰπεῖν, καὶ ἀρχὴν γε εἰληφὼς μὴ ἀποσχέσθαι μηδὲ τοὺς οἰκείους αὐτοῦ λοιδορῆσαι καὶ πλείστα περὶ τῶν φίλων καὶ οἰκείων κακὰ εἰπεῖν . . . καὶ τῶν ἐν τῷ βίῳ ἥδιστα τοῦτο ποιῶν.

IX.

IX, ὑπὲρ τοῦ στρατιώτου, is cited once by Harpocration,¹ with some doubt of its genuineness. Taylor,² owing to its obscurity,

¹ S. v. Δικαιώσεις. Λυσίας ἐν τῷ ὑπὲρ τοῦ στρατιώτου, εἰ γνήσιος, καὶ μάλα, τὰς δικαίσεις φησὶν ἀντὶ τοῦ δικαιολογίας (8)· ὁ μὲντοι Θουκυδίδης πολλάκις τὴν δικαίωσιν ἐπὶ τῆς κολάσεως τάττει. Pabst agrees with Francken that καὶ μάλα was inserted by a scribe who wished to show that he thought the query unnecessary. Zonaras s. v. Δικαίωσις and Cramer, *Anecd. Oxon.* II, 439. 2, also cite Lysias' use of δικαίωσις as equivalent to δικαιολογία. If they drew from Harpocration, they evidently disregarded his εἰ γνήσιος; if not, this is some substantiation of the authenticity of the speech.

² So in his edition. In Reiske, 317, "Harpocration. . . merito ambigit εἰ γνήσιος haec oratio".

thought it spurious, though he realized that the condition of the text is, in part, at fault. He thought that the Ctesicles mentioned in 6, was the archon of 333 B. C.;³ in this he was followed by Reiske⁴ and Dobree,⁵ who, however, characterized IX as "arguta, elegans, subtilis". Franz,⁶ meanwhile, had dated it early, before 406 B. C., and in this way accounted for the lack of finish in a style not otherwise unlike that of Lysias.

Westermann in his *Griechische Beredsamkeit*, Leipzig, 1833/35, 278, bracketed the speech, but expressed no doubt of its genuineness in his edition of 1854. Hölscher⁷ pointed out that the Ctesicles mentioned in 6 is one of the generals who fined Polyaeus, and accepted IX as genuine. Falk⁸ also regarded it as Lysianic.

Francken⁹ rejected it. First he concluded that it was mutilated, because, in spite of 3 ἀναγκαῖόν ἐστι περὶ πάντων <τὴν> ἀπολογίαν ποιήσασθαι, the only mention of Polyaeus' former life is found in 14. This fact may be used as an argumentum ex silentio against the speaker, but is no real evidence for mutilation, or ground for rejection. Francken took exception to many passages for which obviously the condition of the mss., not the author, is responsible, and for most of them he himself suggested satisfactory explanations or emendations. His objection to 2 as inconsistent with 10, is, in my opinion, not valid, for in 2 the defendant's contention is that his opponents felt contempt for the whole affair rather than for him, (and contempt of court on their part is neatly insinuated), whereas in 10 he simply proves that they are his enemies. The discrepancy between the law quoted in 6 and that quoted in Demosthenes' Meidias 33 is no reason for rejection; either Athenian law was in a fluid state, or, as I should prefer to think, speeches that were not written for actual use would not necessarily cling to the letter of the law. As for Demosthenes' Meidias, we know that the case was compromised, and that the speech was never delivered (Blass, A. B., III, 287).

³ 320. ⁴ *ibid.* ⁵ 192; 209.

⁶ De locis quibusdam Lysiae arte critica persanandis, 3; ed., 250.

⁷ 74. ⁸ 108. ⁹ 64 ff.; 237, "suppositicia".

Further, Francken dated the speech by what he thought a reference to the archon Ctesicles.¹⁰ His final argument against the genuineness of IX is its obscurity, which is however sufficiently explained by the presence of lacunae.

Halbertsma¹¹ was the first to suggest that IX is an epitome, and that of a speech not composed by Lysias. He of course pointed to its obscurity, and objected furthermore to the use of ἀναγράφεσθαι, 7, for ἐγγράφεσθαι, although the two are used interchangeably in XXX. 2; to κατηγοροῦντων for κατηγορῶν, 14, which however recurs in XII. 2, and elsewhere.

Schöll,¹² Kayser,¹³ Gebauer,¹⁴ F. A. Müller,¹⁵ all rejected IX. So also did Herrman,¹⁶ but upon insufficient grounds, as Röhl¹⁷ pointed out.

Albrecht¹⁸ regarded it as an epitome, a view championed at some length by Stutzer,¹⁹ whose main arguments are drawn from the obscurity of the case, from the absence of testimony and laws, and from the lack of the usual accusations against the opponents. All this convinced him that the speech in its present condition is unfitted for delivery in court, and hence he thought it probable that the present form is an abbreviation. In confirmation of his view he adduced peculiarities of diction, although there is scarcely one of Lysias' extant speeches that would be found free of such peculiarities; and faults in the composition, such as the lack of clear distinction and transition between proof and narrative. Pretzsch²⁰ and F. Schultze²¹ also thought IX an epitome. Scheibe²² left unanswered the question of authorship.

¹⁰ For this view, see Falk, 110, n. 6, and Jebb, Nowack, Pabst, among more recent scholars; on the other side, Hölscher, Siegfried, Gilbert, Blass, Thalheim. Lysias uses ἀρχων for στρατηγός in XVI. 6, XXVIII. 15, XIV. 21, XV. 5. For parallels of the construction, see Pabst 47, to which may be added XXI. 8. ¹¹ 17 f. ¹² 19, n. 1. ¹³ 327 f.

¹⁴ De argumenti ex contrario formis, Zwickau, 1877, 376; op. cit., 7, n. 50. ¹⁵ 3.

¹⁶ 6. He found contrary to Lysianic usage πρόφασις, 7, περὶ ἐλάττωνος ποιείσθαι, 16, 18, 22! ¹⁷ Zeits. f. Gymn. XXXIII (1879), 43.

¹⁸ 29. Zeits. f. Gymn. XXXVI (1882), 340.

¹⁹ 499. Hermes XVI (1881), 88 ff.

²⁰ 39 f. ²¹ op. cit., 27. ²² ed., LXXXI.

Blass²³ cited against Stutzer the fulness of proem and epilogue as contrasted with the slightness of narrative and proof, but used this as an argument for rejection. The ethos, he felt, was not sustained; the narrative devoid of charm, the proof insufficient, the style lacking in Lysianic simplicity.

Jebb²⁴ thought it spurious, written by a poor imitator of Lysias, but for a real case. Weidner²⁵ considered that possibly it is a late excerpt. Nowack²⁶ rejected it, advancing as special objection the solitary address to the judges in 3. He admitted that the writer was evidently versed in Attic law, an admission defended by Pabst,²⁷ who rejected the speech, and by Keller,²⁸ who accepted it. Pabst's rejection is based virtually upon the same arguments as those advanced by Stutzer and Blass, although, no doubt, his identification of Ctesicles with the archon influenced his decision.

Herwerden²⁹ was convinced of its spuriousness by what he thought was avoidance of hiatus, and agreed with Halbertsma that it is an epitome of a non-Lysianic speech. Croiset³⁰ and Thalheim³¹ also rejected it. Polak,³² in refutation of Herwerden's argument, pointed out cases of unquestionable hiatus but still refused to accept the speech as genuine, though like Jebb he thought it written for a real case. Christ³³ found Lysias' lucidity absent from the subject and the style, but did not reject IX outright. Hude,³⁴ influenced by the "prosopopeia egregia", accepted it.

The rejection of IX, based upon the slightness of the narrative and proof, is virtually a rejection of it as unfit for use in the court. The so-called obscurity, upon which earlier scholars laid so much emphasis, has vanished in the light of recent investigations such as those of Pabst and Keller. The author has even been freed from the accusation of ignorance of Attic law. There remain then only objections due to the absence of charm and ethos, and to the lack of simplicity in style. But, in my opinion, it is precisely the presence of ethos that accounts for

²³ 596 ff. ²⁴ 232 ff. ²⁵ 6. ²⁶ 105. ²⁷ op. cit. ²⁸ op. cit. ²⁹ 63.
³⁰ 449, n. 1. ³¹ XL. ³² 168 f. ³³ 368, n. 4. ³⁴ X.

the truculent, pointedly antithetical style. The speaker is a veteran with a grievance, without the humour of the invalid who speaks in XXIV. It must be remembered that ethos presupposes an interpreter of some dramatic imagination.

Considering the small proportion of Lysias' work that has survived, ἄπαξ λεγόμενα that are paralleled in writers of the classical period³⁵ should not be used as an argument against genuineness. The generally poor condition of the text may be in part responsible for the presence of difficulties.

The impossibility of identifying the persons named in the speech (for obviously Ctesicles is a general and not the archon), suggests its being a piece of fiction, a view substantiated by the absence of testimony and of citation of laws. On the whole, therefore, there is no reason for rejecting a speech that is a good example of Lysias' skill in ethopoia.

³⁵ See Pabst, 29 ff.

X.

Harpocration¹ six times quotes X, κατὰ Θεομνήστον (α'), four times with the addition εἰ γνήσιος, never, as Blass² pointed out, with any sign to distinguish it from a second speech, κατὰ Θεομνήστον (β'). Led by this repeated reflection upon its genuineness, various scholars have found cause to reject the speech; to many however the grounds for doing so seem insufficient.³ To Dobree⁴ moreover it seemed "arguta, elegans, subtilis".

Westermann bracketed X in his Griechische Beredsamkeit, 279, but in his edition allowed it to go unquestioned. Scheibe⁵ was the first to advance arguments against it. He objected to

¹ s. vv. ἀπίλλειν, ἀπόρρητα, πεφασμένης, ποδοκάκη, (with εἰ γνήσιος); ἐπι-
ορκήσαντα, οἰκέως (without comment). ² 601, n. 1.

³ Hölscher, 76; Falk, 114 f.; Frohberger II, 58; Stutzer, 564, n. 1.
⁴ 192. ⁵ 365.

what he thought the historical inaccuracy of 31, where the speaker says that he proceeded against the Thirty immediately upon coming of age, i. e. in 399 B. C. (cf. 4). But by 399, Scheibe protested, all of the Thirty, except Eratosthenes and Pheidon, had been put out of the way (Lys. XII. 54), and even Eratosthenes had been prosecuted by Lysias. Such a blunder in a genuine speech is to him incredible.

Frohberger⁶ and Blass⁷ have answered this objection by stating that the possibility of procedure against Pheidon and Eratosthenes sufficed to make 31 intelligible. But before their answer, Hecker⁸ had, on the same grounds as Scheibe, rejected X. Further, Francken⁹ thought the speech one of Lysias' best. He also objected to 31 as historically impossible, but accounted for it by assuming that the speaker lied about his age in 4.

Bürmann,¹⁰ without further reason than the presence of *ἀνιπρός* and *σκαίος*, and Harpocration's repeated *εἰ γνήσιος*, rejected X. But *ἀνιπρός* and its forms are found in XXV. 20, as well as in VIII. 2, Phaedrus 233b, II. 73, X. 28, XI. 10; forms of *σκαίος*, only in VIII. 15 and X. 15. Two years later, Konrad Herrmann¹¹ also, in a more detailed investigation, came to the conclusion that X is spurious; he thought it a post-Demosthenic exercise. Assigning considerable importance to Harpocration's doubt, he hunted out parallels between X and the other speeches to which Harpocration attached *εἰ γνήσιος*, i. e. VI, XIV, XXIV(?), XXX, and also between X and those which he himself considered spurious, II, VIII, IX. These parallels in themselves are slight and Herrmann confessed that they would not suffice to disprove the genuineness of X.¹² The linguistic peculiarities cited by him fail to justify a belief in the spurious-

⁶ II, 79, n. 31. ⁷ 605.

⁸ op. cit., 5 f. Frohberger, 58, rejected his arguments as wholly untenable. He overlooked Scheibe, calling Hecker the only supporter of Harpocration. ⁹ 72; 78.

¹⁰ Hermes X (1876), 370. Against him, Polak, Mnem. XXXI (1903), 171. ¹¹ op. cit.

¹² Gleiniger, 150 ff., had pointed out parallels between X and VIII in defense of VIII. These Herrmann used to prove the spuriousness of X. The fallacy of such reasoning is obvious.

ness of the speech. There is scarcely one among all the extant speeches that does not contain, among other stylistic peculiarities, one or more words used only once in what remains of Lysias' work. Not satisfied with the explanation of 31 as interpreted by Frohberger and Blass, Herrmann revived Scheibe's objection to it as historically inaccurate. He further attacked the construction of the speech as unlike that of Lysianic speeches, especially the absence of narrative, absence of proof and evidence, and the considerable space given to discussion and interpretation of the laws.¹³

But these peculiarities of treatment result, partly at least, from the nature of the fictitious case, and no one of these points can make us hesitate about the author, if we look upon it as not intended for actual use in court. The fact that X is in accord with rhetoricians' rules (cf. especially the amplificatio, 21 ff., at the beginning of the peroration) proved conclusively to Herrmann that it was a late rhetorical exercise. In answer to this, Röhl¹⁴ pointed out that rhetoricians' rules were originally derived from speeches which they considered models. From parallels between X and the speeches of Demosthenes against Meidias, Timocrates, and Androtion, Herrmann deduced conscious imitation on the part of the writer. These parallels, however, are sufficiently explained by the similarity of subject matter, and, in any case, Herrmann has overemphasized them, and sometimes even exaggerated the likeness by emendation. It would be very strange indeed if a rhetorician's exercise done in imitation of Demosthenes should find its way into the Lysianic corpus. This view has found no approbation among scholars.¹⁵ Moreover the Meidias, on a case that was compromised out of court, bears many traces of being an essay by Demosthenes in many of the forms of epideictic invective and encomium.

¹³ cf. Polak, 172, who compares with X. 6 ff., XIX. 45-53, for unusual length of exposition.

¹⁴ Zeits. f. Gymn. XXXIII (1879), 42 ff.

¹⁵ Against Herrmann, Röhl, l. c.; Gebauer, 7, n. 50; Blass, Bursian XXI (1880), 184; op. cit., 607, n. 6; Stutzer, Hermes XVI (1881), 97 f.; Nowack, 100 f.

Sittl¹⁶ referred to X as certainly spurious, without however attempting any proof. The later rhetoricians, therefore, according to him, failed to recognize this when they made the "verkürzte Variation" (XI). Stutzer¹⁷ had already pointed out the improbability in the assumption that rhetoricians worked over a spurious speech. Baur¹⁸ thought that suspicions of spuriousness had not been sufficiently well grounded. Blass¹⁹ considered X genuine, hesitating only at the similarity between X. 28 and 23 of the Epitaphius, which he considered spurious. Röhl²⁰ had already explained these two passages as versions of the same commonplace. Jebb²¹ also held that X was probably genuine.

Bruns²² revived doubts of its genuineness. He objected to the irascibility and petulance of the plaintiff, to his indirect thrusts at the judges, 1 and 24, to his characterization of Theomnestus²³ and to the "Unsachlichkeit" of the attack. The reproach that Theomnestus is a coward is emphasized by repetition, (though nearly always by insinuation, so that the speaker avoids libel); he and his father are alike in that, and big men, too! (cf. 28, 29.) This, Bruns thought, had no place in an accusation for slander; furthermore it refers to the previous trial, in which the speaker had testified against Theomnestus, who nevertheless had won the case.

In my opinion, Bruns erred in his interpretation of the character of the speaker, who is by no means the prototype of the man from Shropshire. On the contrary, he is a man of considerable humour, and no little irony. He would not have objected to an accusation of murdering Theomnestus' father, 2; his brother had robbed him of his patrimony after his father's death,—of course, then, he wished his father alive (cf. 5; also 9, 11, 21, 28-31). The detailed interpretation of the laws, 15 ff., suggests a comic scene in which a master instructs an obtuse

¹⁶ 149; 154, n. Nowack, l. c., expressed surprise at such a statement.

¹⁷ l. c. ¹⁸ 162. ¹⁹ Bursian XXI (1880), 184; op. cit., 601 ff.

²⁰ l. c.; cf. Polak, 172. ²¹ 295 f. ²² 460.

²³ Bruns thinks that Lysias' plaintiffs do not, in their attacks upon the defendant, give a sketch of his character.

pupil with painful seriousness, most ludicrous to the spectator, and the theme is that of Aristophanes Banqueters, fgg. 198, 222. The thrusts at Theomnestus for his cowardice can hardly be said to characterize. They are usually put in a humorous way, 9, 28, 29, and serve to betray the ethos of the speaker rather than that of Theomnestus. It is scarcely fair to say that the speaker attacks the judges. He does little more than mention the fact that they absolved Theomnestus in the previous trial, and enters into no invective against them. It is clear then that Bruns' arguments prove nothing against the genuineness of the speech, and that, as Polak²⁴ remarked, they are based upon "praejudicata eaque falsa opinione".

What Bruns called the "Unsachlichkeit" of the charge, points to the epideictic nature of the speech. So too the prolonged examination of laws, which, as has been pointed out above, suggests a comic scene. The trick of identifying, 1, the judges of this with those of the preceding trial (both fictitious), avoids the necessity of calling witnesses to Theomnestus' words. The ethos of the speaker, humorous and ironical, also suggests the epideictic. If we resign the idea of an actually delivered speech, we need not be disturbed about the historical possibility of 31, since we may then assume either (with Francken) that the speaker lied in 4, or that Lysias simply neglected historical detail. In any case, historical precision is no sine qua non in Greek literature, and readers of the speech which was written no earlier than 384/3 B. C. (cf. 4), would no doubt have overlooked the inaccuracy, supposing it to be an inaccuracy.²⁵

The introduction of the previous *εἰσαγγελία* against Theomnestus, 1, on the charge of cowardice, (a case necessarily assumed to have been won by him, otherwise the plaintiff's task would have been too easy); his retaliation upon one of the witnesses in a suit *ψευδομαρτυριῶν*, 24; upon the speaker, by calling him parricide,—all this culminates in the present accusation

²⁴ 171 f.

²⁵ In this way, historical inaccuracies in VI are accounted for by Schneider, Jahrb. Suppl. XXVII (1902), 367 ff., as permissible in a sophistic exercise, though not in a speech actually delivered.

against Theomnestus. Here we have a story of intricate threads, comic irony, told by a humourist, perhaps with a desire to parody the slander cases of the day. The fact that the speaker does not hesitate to apply incriminating epithets, 28, 29, to Theomnestus and his father, adds irony to the jest.

We hear of a speech against Pantaleon²⁶ whom Sauppe²⁷ and Hölscher²⁸ identified with the brother of the speaker (cf. 5). This suggests the possibility that Lysias found his speech against Theomnestus so successful, precisely because of the speaker's ethos, that he put another into the mouth of the same "hero", connecting the two by the personality of the narrator. In a way, we may find in this a parallel to the modern serial novel.²⁹

²⁶ Bergk's (ep. ad Schiller, 136 ff.) identification of Pantaleon with the Pantaleon of comedy, though approved by Hölscher, 196, was rejected by Blass, 602, n. 8, on the ground of insufficient proof.

²⁷ Orat. Att. II, 202. ²⁸ 196.

²⁹ cf. Isaeus XI and [Dem.] XLIII; Isocrates XVI and Lysias XIV and XV; Isocrates' Trapeziticus (against Pasion), and Dem. XXXVI (for Phormio) and XLV (against Stephanus).

XI.

XI, *κατὰ Θεομνήστον β'*, has been, almost from Scaliger's¹ time, regarded as a mere epitome of X, and, as such, the work of a late rhetorician. Taylor,² however, suggested two other possibilities: first, that X was an enlarged and improved version of XI; secondly,—this he thought more probable,—that XI was a preliminary speech before the diaetetae mentioned in X. 6. Hudtwalcker³ rejected the second alternative on the ground that regular speeches were not delivered before the diaetetae, and that probably no Athenian ever went to the expense of employing Lysias to write a speech for him to deliver before them. Hölscher⁴ also rejected this view. Markland⁵ thought XI a

¹ in Reiske, 347 f. ² 342. ³ 81 f. ⁴ 77. ⁵ 345; 375.

mere epitome of X, done as a school exercise by a late rhetorician, and all subsequent scholars have agreed with him.⁶

Herrmann⁷ and Albrecht⁸ investigated in detail the relation of XI to X. Both of them came to the conclusion that XI is a mere epitome of the preceding speech, which Herrmann⁷ thought spurious, but Albrecht accepted as genuine.

Forms of address, proper names, citation of laws, calling of witnesses are all lacking in XI. So, too, with slight exceptions, all mention of the previous lawsuits and the preliminary hearing before the arbiters. The ethos of the speaker is practically gone, though there is a tone of irony in XI. 7 (cf. X. 21), and in XI. 9 (cf. X. 28). It is as if XI were merely the framework of X, but there is no more reason to think it an epitome than a first brief draft.

Albrecht objected to the repetition of words in XI. 1 and 2, which he thought due to abbreviation, but he might equally well have objected, though he did not, to repetitions in X. 10-13. For the peculiarities of phrase in XI, he himself quoted Lysianic parallels. He pointed out *συννοῖδασιν*, XI. 1, as un-Attic, but Antiphon in his tetralogies, and Thucydides use occasional Ionic forms. *ἐκλαμβάνειν* he called, "inferioris aevi", but the word is used in the sense of "understand", "interpret", not only by Aristotle, but by Plato, Laws 807d. There is no reason, therefore, on the score of language, to assign a late date to XI.

It is clear from passages that are identical word for word in the two speeches,¹⁰ that one must have been written with the

⁶ Unless we except Sittl, 149, who prefers to call it a "verkürzte Variation". ⁷ op. cit. ⁸ 1-12.

⁹ He deduces from a certain degree of freedom in the epitomizer's work that he must have known that X was spurious, and argues that only if he for this reason realized the unimportance of the names and similar details, could he have subjected the original speech to such treatment. If he realized their unimportance, it was probably because he understood that it was a mere piece of epideixis, not because he doubted its genuineness. Stutzer, Hermes XVI (1881), 97, points out that it is unlikely that a spurious speech would have been epitomized.

¹⁰ X. 6-8 = XI. 3-4, and in most of the parallel passages, the only difference is the absence of names and formulae of address in XI, and their presence in X.

other in front of the writer. If, therefore, we find in XI deviations that do not serve for abbreviation, this will be an indication against the assumption that it is an epitome. So λαμβάνειν X. 13 is replaced by ἐκλαμβάνειν XI. 6;¹¹ there is variation in tense between X. 23 and XI. 8, between X. 27 and XI. 9 (in XI. 9 the expression is also somewhat fuller). In XI. 8 διέσπαρται κατὰ τὴν πόλιν is paralleled by ἐν τῇ πόλει κατεσκέδασται, and in XI. 9 the genitive with ἐπὶ corresponds to the dative with ἐν in X. 28.

It seems likely, therefore, that X and XI are not speech and epitome, but that XI was a first sketch, later expanded by Lysias into X. This relieves us of the necessity of explaining how an epitome made its way into the corpus, a necessity not recognized by advocates of the commonly accepted theory. It is not remarkable that Harpocration does not cite XI, or appear to know it. The same is true of XV, κατὰ Ἀλκιβιάδου β', though he cites from XIV, κατὰ Ἀλκιβιάδου α'.

¹¹ I should keep the infinitive in X. 13, as read in ms. X, as a διὰ μέσου construction, in which the writer was obviously influenced by the quite normal infinitive in XI. 6.

XII.

XII, κατὰ Ἐρατοσθένους, regarded as genuine by the ancients,¹ has been almost universally and unhesitatingly accepted by modern scholars. Gleiniger,² without attempt at demonstration, declared his belief that the present form of the speech betrays more or less revision, but Hecker³ alone rejected it. Hecker's arguments from the supposed historical inaccuracies in the speech, from linguistic peculiarities, and finally from the fact that Lysias, as metic, could not have delivered it, were refuted

¹ Plutarch, Harpocration, Pollux. For a complete list of testimonia, see Hölscher, 77 f. ² Hermes IX (1875), 168, n. 1. ³ op. cit.

at some length by Rauchenstein.⁴ Westermann⁵ and Francken⁶ have also disproved Hecker's arguments. His rejection has not been supported by more recent scholars.⁷ His argument from the fact that Lysias as a metic could not deliver the speech has been met in various ways, but it is generally agreed that Lysias did deliver it, whether it was a case of extraordinary procedure, or a result of the citizenship temporarily conferred upon him by the decree of Thrasybulus.⁸ But even if it could be proved that Lysias could not and did not deliver the speech, this, in my opinion, would not militate against its genuineness, and, as a matter of fact, Wilamowitz⁹ thinks that after its delivery, it was published as a political pamphlet.

⁴ Zeits. f. d. Altswiss. VII (1849), 348 ff. Nowack, 191, thinks his criticism unnecessarily harsh, but is himself entirely opposed to Hecker's view. ⁵ XVIII f.

⁶ 79 ff. Kayser, 328, approves, but finds Francken's refutation too gentle.

⁷ Polak, 179, n. 1., refers to it as "Alphonsi Heckeri sententia sanequam mirabilis et nunc dudum silentio oblitterata".

⁸ Croiset, 433; Wilamowitz, II, 219, n. 4., insists upon the "juristische Selbstständigkeit" of metics. ⁹ II, 223.

XIII.

XIII, κατὰ Ἀγοράτου, resembles closely, in style and subject matter, the preceding speech, κατὰ Ἐρατοσθένους. It is natural, therefore, to find that Hecker¹ attacks the genuineness of XIII also. After quoting from it as a genuine speech, he retracts his opinion with twelve pages, "Ita p. 1. 12. oratione in Agoratum tamquam a Lysia scripta usum esse et verbis emendationem adhibuisse nunc piget. Quam suppositam esse a Graeculo ludimagistro idoneis argumentis enicam". Rauchenstein² and Westermann³ referred to this rejection with some scorn. Whether or not this criticism checked Hecker's investigation, I have been unable to find any further communication of his upon the subject.

¹ I; 13. ² Zeits. f. d. Altswiss. VII (1849), 348. ³ XIX.

XIV.

XIV, κατ' Ἀλκιβιάδου λιποταξίου, the former of two speeches against a son of the great Alcibiades, is cited once by Harpocration,¹ with the reservation, εἰ γνήσιος. Markland² was the first to substantiate this doubt, by pointing out the absence of the Lysianic "numerus". Hölscher,³ who, like Taylor, Reiske,⁴ Dobree,⁵ thought the speech genuine, was criticized by Scheibe⁶ for not answering Markland's argument. Scheibe, however, did not, at least in this place, reject XIV outright.⁷

Falk,⁸ Francken,⁹ Frohberger,¹⁰ and others¹¹ insist in spite of Harpocration's doubt, upon the genuineness of XIV. The treatment of the older Alcibiades in this speech roused Vischer to indignation against its author, who was, however, defended by Rauchenstein¹² as having been excessively irritated by the encomium in Isocrates XVI, περὶ τοῦ ζεύγους. Teichmüller¹³ saw evidence of Lysianic authorship in the very invective that disturbed Vischer. Röhl¹⁴ questioned its authenticity; Götz¹⁵ referred to it as "dem Lysias beigelegt", and Gülde¹⁶ thought that it was written by a contemporary of Lysias. These scholars were probably convinced, though Reinhardt¹⁷ and Carel¹⁸ were not, by the arguments of Blass against the genuineness of XIV.

Blass,¹⁹ though admitting that there are no external grounds against the speech, except Harpocration's εἰ γνήσιος, still decided upon rejection. Parallels with XXX he naturally refused to

¹ s. v. Ἀλκιβιάδης. ² 553 on § 47. ³ 83 ff.

⁴ Scheibe, 367, concludes wrongly from Reiske's note, 544 f., that he questioned its genuineness. ⁵ 192.

⁶ l. c. He cites Markland's note, 547 f., as attacking the genuineness of XIV. That is strange in view of the fact that it apostrophizes the author as "O bone Lysia".

⁷ He brackets it, however, in Die Oligarchische Umwälzung zu Athen, Leipzig, 1841, as does Dessoulavy (cf. Nowack 5, n. 1). Scheibe does not question its genuineness in his edition. Westermann, Griechische Beredsamkeit, 280, bracketed XIV and XV, but rejected neither in his edition. ⁸ 178 ff. ⁹ 108 ff.; 237. ¹⁰ II, 11.

¹¹ Fränkel, 8; Baur, 239; Sittl assumes its genuineness; Thomaschik, thesis II. ¹² cf. Blass, 492. ¹³ II, 266.

¹⁴ Zeits. f. Gymn. XIX (1865), Jber. 2.

¹⁵ J. J. Suppl. VIII (1875/76), 540. ¹⁶ 43. ¹⁷ 3, n. 2. ¹⁸ 23. ¹⁹ 486 ff.

admit as evidence of genuineness.²⁰ Two considerations led Blass to rejection:—first, the style of the speech which contains rhetorical figures in excess, especially homoioteleuta, for which he can find parallels only in the Epitaphius;²¹ secondly the absence of ethos, of charm, and of convincing power. To account for the Lysianic simplicity of expression and carelessness of arrangement, he suggested that the author was an imitator of Lysias.

Neither Jebb²² nor Bergk²³ rejected XIV. Nowack,²⁴ in his detailed investigation, after some hesitation finally accepted the arguments of Blass, and gave as his ultimatum the following:—"Atque hac re sola (i. e. lack of χάρις) permoveor, ut etiam orationem XIV spuriam esse maiore fiducia contendam". Pabst²⁵ bracketed both XIV and XV.

Thalheim²⁶ found the arguments for rejection insufficient; so too Motschmann,²⁷ who answered the arguments advanced by Blass in the following way. The unusual style of the speech is accounted for by its being a literary product, as Bruns²⁸ convincingly proved; secondly, in speeches in which the character of the opponent is treated in detail, the personality of the speaker falls into the background, and this accounts for the absence of ethos. With the fall of these arguments against the genuineness of XIV, the question of spuriousness may be dismissed, for the point emphasized by Nowack, the absence of χάρις, is almost a sine qua non of invective.

Let us now turn to a consideration of the character of the speech, and its relation to Isocrates XVI.

²⁰ It seems inconsistent that in the case of X, he should be disturbed by a parallel with the Epitaphius.

²¹ This might have suggested to Blass the possibility that XIV belonged to epideictic literature. Similar phenomena in XXXI, κατὰ Φίλωνος, did not lead him to reject the speech.

²² 260. ²³ 355 f. ²⁴ op. cit. ²⁵ 46. ²⁶ XLII. ²⁷ 31 f.

²⁸ 493 ff. He pointed out that, as a literary publication, XIV has no standard of comparison in Lysias as it would have, if the defence of Socrates were extant. This, of course, is a point of view with which I can hardly agree, since all Lysias' work seems to me purely literary. Still, the fact that Bruns considered it genuine, deserves notice.

There seems to have been a general consensus of opinion that XIV was actually delivered before the court,²⁹ until Hoyer³⁰ took the view that this speech, like Isocrates XVI, and ps. Andocides IV, is epideictic,³¹ and that Lysias, as well as Isocrates, invented the facts of the case, as a background for his rhetorical skill. He went so far as to question whether, outside of comedy and rhetoric, there ever existed a son of the great Alcibiades.

Nowack³² remarked that no one would deny that XIV was actually delivered in court. But he substantiated this assertion with the utterly invalid argument that much of the knowledge of military affairs and of the defendant's life presupposes a contemporary as author. This serves merely to date the speech, and is no evidence against epideixis. Wilamowitz³³ left unanswered the question whether or not it was used in court.

This question is to a certain extent connected with that of the relation existing between this speech and Isocrates XVI, in which Isocrates puts into the mouth of the younger Alcibiades an encomium of his father. The presence of related passages³⁴ in the two led Blass to suggest that still another speech, now lost, served as model for them both. He believed that it is quite impossible to decide from the parallel passages which was written first.

Nowack³⁵ thought that Lysias wrote merely in answer to what was being constantly written and said in behalf of the great Alcibiades, and not with reference to what had been specifically written by Isocrates. He insisted, however, that Isocrates published his speech in a revised form, after having access to that of Lysias. H. Schultze³⁶ finding what seemed to

²⁹ Sievers, *Comm. de Xen. Hellenicis*, Berlin, 1833, 81, n. 30, seems to have regarded it as delivered by Lysias himself. ³⁰ *op. cit.*

³¹ He thought that the rhetoricians chose, in these cases, the form of *δευτερολογία*; this, though true of Lysias XIV (cf. 3), is not true of Isocrates XVI.

³² De Isocratis *περὶ τοῦ ζεύγους* oratione (XVI) et Lysiae *κατ' Ἀλκιβιάδου* priore (XIV) quaestiones epicriticae, in *Commentationes Ribbeckianae*, Leipzig, 1888, 463 ff. ³³ *I. 34*, n. 1.

³⁴ cf. Isoc. XVI. 10, 10 f., 11, 13 f., 16, 25, with Lys. XIV. 30, 37, 31 & 35, 32 f., 16, 24, respectively. ³⁵ *Comm. Ribb.*, 463 ff.

³⁶ *Quaestionum Isocratearum specimen*, Buxtehude, 1886.

him cross references, was compelled to assume that Lysias replied to Isocrates' original draft as delivered in court, and that afterwards Isocrates, in answer to Lysias, revised and published his speech. Bruns³⁷ went one step further, and assumed that Isocrates had first written the accusation against Teisias; then Lysias, on behalf of Archestratides, the accusation against the younger Alcibiades. Isocrates then rewrote his speech, preserving only enough of the case for a setting of his encomium; Lysias followed suit and rewrote his speech in the form in which we now have it.

A careful examination of the passages under consideration satisfies me that Blass was right in thinking that neither speech was written in direct dependence upon the other. It is unquestionable that Alcibiades was a favourite topic in the literature of the day, and quite inevitable that an encomium and an invective referring to the same person should have many points of contact. The following passages are commonplaces of attack and defence:—Alcibiades was responsible for much good to Athens (Isoc. 16), also for much evil (Lys. 16); he advised the fortification of Deceleia (Isoc. 10, Lys. 30), and so on. Any pamphlet for or against Alcibiades would have had to touch upon these points, and to answer supposed objections from the other side. It is not so much a criticism of Isocrates 25 ff. that we find in 24 as a commonplace of pleading, such as is also found in Lysias XXX. 1. It is unnecessary to adopt Blass' suggestion of a third speech as a source for these two; the points of contact are, as I have tried to show, natural and inevitable.

Isocrates XVI has been of late years generally recognized as an epideictic speech, if only as a revised version of one actually delivered.³⁸ We read in Diodorus XIII. 74, ps. Andocides IV.

³⁷ *l. c.*

³⁸ Rauchenstein thought that this speech was published in revised form. Blass, II, 204-209, did not agree with him, but thought that the first part of the speech was lost, (on this point, see the discussion under XVIII, n. 3) but even he admitted that this "Epilogus im weiteren Sinne" belonged to the class of encomia, not to dicanic speeches. Schultze, Nowack, and Bruns, following Rauchenstein, believed that Isocrates changed it from a forensic to an epideictic production; Hoyer thought that Isocrates used a fictitious legal setting for his eulogy of Alcibiades.

26, and Plutarch, Alcib. 12, a story to the effect that a certain Diomedes sent a team with Alcibiades to Olympia. Plutarch has drawn in part on Isocrates XVI, remarking that here Teisias and not Diomedes is the disputant. It seems then that Isocrates used the facts of a well-known case, changed the name, and so framed his encomium. Even though the actual case came up in 397 (Blass II, 205), the fictitious setting may have been used considerably later, and there is no proof that Isocrates XVI preceded Lysias XIV; the supposed date of Archestratides' prosecution is 395/4 (Blass, 489 f.) but this is not necessarily the date of writing; no one would date the Platonic dialogues from their dramatic setting. The supposition of revision for publication—and revision in these cases must have practically involved rewriting—is based upon pure conjecture; the complicated hypothesis of Bruns is incapable of demonstration.

He is quite right, however, in believing that Lysias XIV, as it stands, is unsuited to delivery in court. Only 1-15 deal with the facts of the case; if more space is given to them here than in Isocrates XVI, it is because in the speech of Lysias the background is pure fiction. There is no other mention of the case in antiquity. Sections 16-22 are directed against those who for the father's sake will defend the son; 23-28 are an invective against the younger Alcibiades;³⁹ the rest of the speech is directed against the father. I should suppose it quite clear, therefore, after the proof given by Bruns, that XIV is a literary production, and should agree with Hoyer that the legal background is purely fictitious.

³⁹ Bruns is compelled to assume, since this is not answered in Isocrates XVI, that these paragraphs were not found in the actually delivered speech. Yet it would be only natural to find some invective against the defendant. This fact points rather to a lack of definite connection between the two speeches.

XV.

XV, κατ' Ἀλκιβιάδου ἀστρατείας, though the title differs from that of the preceding speech, was written, nevertheless, as scholars now think, as a *τριτολογία* in the same case. It is not cited by Harpocration, but it is doubtful whether Blass is justified in assuming definitely that he would have questioned its genuineness.

Markland¹ thought the speech a continuation of XIV; Taylor in his edition agreed, but apparently abandoned this view afterwards, and contented himself with rejecting XV,² partly because in some of the mss. it does not bear Lysias' name. Reiske³ insisted upon its genuineness, leaving undecided the question whether it was a *δευτερολογία* of XIV, or belonged to a second trial. Sluiter⁴ returned to Markland's assumption that XIV and XV are one continuous speech. He was the last exponent of this view which has since been unanimously rejected and repeatedly refuted in some detail.⁵

Böckh⁶ without stating his reason, gave it as his opinion that XV was probably not written by Lysias, but by a contemporary; in this he was followed by Bremi.⁷

Franz⁸ and Dobree⁹ believed it genuine. Hölscher¹⁰ emphasized, finally, Schömann's¹¹ view that XIV and XV are *συνηγορίαι*, XIV a *δευτερολογία*, XV a *τριτολογία*. He inclined to belief in the genuineness of XV, agreeing with Franz that the diction is Lysianic.

Bake¹² and Falk¹³ rejected it owing to the discrepancy between XIV. 4 and XV. 9, and both thought the author a contemporary of Lysias. So, too, Scheibe,¹⁴ who objected to the

¹ 553 ff. ² 553. ³ 557. ⁴ 170. ⁵ See Hölscher, 85; Falk, 195.

⁶ I. 332, n. b. ⁷ XVIII; 123. ⁸ 286. ⁹ 192; 230.

¹⁰ 85. He cited Westermann as agreeing with Böckh, "ut videtur". This he took probably from the Griechische Beredsamkeit, 280, where both XIV and XV are bracketed. In his edition, Westermann seems to have given up all doubt of their genuineness.

¹¹ Att. Proc., 902, n. 445. ¹² II, 282. ¹³ 194 ff.

¹⁴ 367. Later, in his edition, also.

similarity of passages in XIV and XV.¹⁵ As Blass pointed out, such passages are not more easily explained on the assumption of different authors.

Francken¹⁶ pointed out that Bake's objection to the discrepancy between XIV. 4 and XV. 9 is insufficient to prove spuriousness, since Lysias would not need to be consistent in speeches written for two separate clients. He himself however rejected XV as either entirely spurious, or as the result of working over a genuine speech. He objected to the change from the third to the second person, as used of the generals (1 ff.), though this is really a form of *repraesentatio*; to what seemed to him, but is not actually an involved construction in 2;¹⁷ unnecessarily, as I think, to the imperfects, ἡγανακτεῖτε and ἐδέοντο (2); finally to the use of the active ἀνακαλεῖν in 5. This verb is used, however, in the active, and in the sense of "summon", if not to a court, in Herod. III. 127, and Andoc. I. 45. The objectionable ἄν in 6, deleted by Dobree, evidently found its way into the text by dittography. It is quite clear to my mind that this list of objections on the part of Francken is not valid.

Rauchenstein,¹⁸ Frohberger,¹⁹ Kayser,²⁰ Jebb,²¹ Teichmüller,²² Thomaschik,²³ Baur,²⁴ Bergk²⁵ did not hesitate to accept XV as Lysianic.

Sittl,²⁶ Christ,²⁷ and Hoyer²⁸ regarded it as a mere excerpt of XIV, an idea that would have been allowed to pass in silence, had not Nowack²⁹ definitely refuted and rejected it.

Blass³⁰ pointed out that the coincidences with XIV are unimportant, and that the fact that there is less rhetorical ornament in XV is explained by the absence of passages suitable for it. Still XV. 9 shows that the writer is not unversed in the use of

¹⁵ cf. XIV. 2, 3, 22 with XV. 12, 12, 8 f., respectively.

¹⁶ 110 ff. 237, "In Alcibiadem II. Suppositicia; fortasse παραπεποιήται ex genuina".

¹⁷ Namely the genitive ὑμῶν placed before ἐδέοντο, yet dependent upon καταψηφίσασθαι, and the difficulty of referring ἡγούμενοι to ἡγανακτεῖτε after the interposition of a new subject, θεσμοθέται.

¹⁸ N. Schweiz. Mus., 1862, 284 f. ¹⁹ II, 11. ²⁰ 328. ²¹ 260 f.

²² II, 266. ²³ thesis II. ²⁴ 257 f. ²⁵ 353 f. ²⁶ 149. ²⁷ 386, n. 4.

²⁸ 7. ²⁹ 5 f. ³⁰ 495 f.

rhetorical figures. What is said in XV. 10 of Alcibiades, corresponds exactly to what is said in XIV. Blass, therefore, concluded that the speeches stand or fall together; in consequence, having rejected XIV, he was forced to reject XV. As we have seen, his rejection of XIV was unwarranted, so that his rejection of XV is not of serious moment in our consideration of its genuineness.

Nowack³¹ pointed out, as Blass had already done, the absence of rhetorical figures in XV, but he did not accept the explanation that Blass had given. Upon this absence of rhetorical figures he mainly based his contention that XIV and XV were written by different authors. He is, nevertheless, compelled to admit that both were imitators of Lysias. It is not unnatural that charm, persuasion, and other characteristics of Lysias' narratives are here lacking. There is no reason, then, to assume either another author, or spuriousness for XV. Thalheim³² agreed with Nowack. Herwerden³³ and Croiset³⁴ also rejected the speech.

Bruns³⁵ apparently thought it genuine, and also Wilamowitz,³⁶ who considered the possibility that it was not delivered.

I should suggest that Lysias wrote XV as a first draft of the frame that was to contain the invective against Alcibiades, father and son. It, as well as XIV, is a *δευτερολογία*, purporting to be delivered by a friend of Archestratides, and an enemy of Alcibiades (12, cf. XIV. 2 f.). The same lawsuit serves as a background in both. Therefore, in XIV, the interpretation of the defendant's offense is emphasized; in XV, the generals are attacked. XV. 10 ff. is the germ of the expanded invective against the son in XIV, to which was later appended the inevitable invective against the father. Blass has shown that the attitude to Alcibiades is precisely the same in the two speeches, that even the same word, καταγελᾶν, is used of him in both. This hypothesis accounts also for the more numerous though

³¹ op. cit. ³² XLII. ³³ op. cit. ³⁴ 449, n. 1. ³⁵ 493.

³⁶ I, 34, n. 9. He refers to XIV and XV as "die Reden, die wider den jungen Alkibiades gehalten oder doch geschrieben waren".

less striking similarities that caused some scholars to think XV an excerpt of XIV.

It may be that the extraordinary number of speeches ascribed to Lysias may be in part accounted for by the publication of such first drafts together with his finished work.

XVII.

Owing to the brevity of XVII, *περὶ δημοσίων ἀδικημάτων*, some scholars have thought that a part is lost.¹ Francken² going one step further, believed not only that by far the greater part of the speech has been lost, but that what remains is a mere epitome or excerpt from a genuine Lysianic speech. The judges, he thought, could not have understood the facts of the case, from hearing it in its present form. To Herwerden³ it seemed probable that Francken's view was correct, yet he did not bracket the speech. Jebb⁴ pointed out that each section of the narrative is followed by a short recapitulation (3, 4, 10) such as an epitomizer would have omitted, and rejected Francken's theory, as did also Kayser,⁵ Stutzer,⁶ Blass,⁷ and Nowack⁸; the last two saw in this speech an example of Lysias' reputed conciseness and lucidity. Sittl,⁹ influenced no doubt by the absence of detail in the presentation of the facts of the case, called XVII an epilogue.

Subjective arguments, such as have led scholars to assume mutilation, abbreviation, or a characteristically abbreviated type of speech (i. e. epilogue), can only be answered subjectively. There is no possibility of definite proof that XVII if delivered would or would not have made the case clear to the judges. If we assume, however, that it was a model framework upon

¹ So Dobree, 235; Kayser, 329; Scheibe, ed., XLIII. ² 123; 238.
³ 132. ⁴ 302. ⁵ 329. ⁶ 499. ⁷ 618. ⁸ 101 f. ⁹ 149.

which speeches for use in similar cases were to be constructed and elaborated, the lack of detail becomes at once intelligible, and it is unnecessary to adopt strained theories to account for its genuineness.

XVIII.

XVIII, *περὶ τῆς δημεύσεως τῶν τοῦ Νικίου ἀδελφοῦ ἐπίλογος*, is cited by Galen XVIII. 2 (657 Kühn) as *κατὰ Πολιούχου*.¹ As Blass pointed out,² XVIII begins where the proof, if there were any, must have ended. This is, in my opinion, no sign of mutilation, but an indication of the purely fictitious character of the legal setting.³ To the technicality of the case itself we

¹ For the form *Πολίχως* as preferable to *Πολιούχως*, see Blass, 523, n. 1.
² 523.

³ Falk, 210, thought the speech a complete *ἐπίλογος*; Hölscher, 90, thought it a *δευτερολογία* (erroneously, as Sachse, 48, pointed out). Most scholars have assumed mutilation. Blass believed that only the epideictic part of the original was published, and so came down to us. The beginning, as we have it, recalls those of Isocrates XVI *περὶ τοῦ ζεύγους*, XX *κατὰ Λοχίτου*, Lysias XXI *ἀπολογία δωροδοκίας ἀπαράσημος*, and the *Eroticus*. Of these Isocrates XVI and the *Eroticus* are epideictic. For parallels between Isocrates XVI and Lysias XVIII see Blass, 530, esp. n. 5.

Isocrates XX, a private speech written somewhere in the years following the archonship of Euclides (Blass II, 199), is clearly a sophistic work, unsuited for delivery. There is no need for assuming that the section containing proofs and testimony has been lost. The statement in 1 that Lochites' conduct has been witnessed by all present, releases Isocrates from the necessity of adducing proof. The speech is a mere expatiation on the gravity of personal injury, on the potential importance of its evil results, and the injustice of treating unfairly a man who is poor and in an insignificant station. All this is the generalization peculiar to sophistic and epideictic work; the legal fiction is merely conventional setting and, in this case, the most transparent of fictitious backgrounds.

Lysias XXI also lacks all exposition of the definite charge brought against the speaker, as well as all definite proof of innocence. From 21 f. we know merely that he was accused of *δωροδοκία*. The speaker begins with the assumption that the judges have heard the facts of the case, but he wishes them to listen still further, *ἵνα ἐπίστηθε περὶ οὗ τινος ὄντος ἐμοῦ ψηφισέσθε*. This is the keynote of the speech. Instead of an encomium on a famous family, as in XVIII, we shall have an ex-

find little more than a reference, 14.⁴ The speech up to that point consists of the narrative of the patriotic services of the general Nicias and his family. The whole, therefore, is a literary encomium on a famous family, a theme which gives opportunity for a vivid, humorous bit of description (10) and typically Lysianic turns of phrase and thought (15 ff., 24 f.).

H. Schultze⁵ pointed out the striking parallels between Isocrates XVI and Lysias XVIII, their similarity in style and composition, and was inclined to assume that "generi ἐπιδεικτικῷ attribuendam esse Lysiae orationem". Sachse,⁶ who with most other scholars assumed the loss of the first part of the speech, went a step further, saying "atque hoc equidem laudo et dico, orationem hanc a Lysia non esse scriptam, qualis in manibus est, sed ab alio genuinam orationem iterum tractatam, neque accurate factam esse". This judgment he based partly upon his interpretation of the case from 14, which has found no assenting voice among scholars,⁷ partly upon supposed inferiority to other Lysianic speeches, but no other scholar, if we except Gleiniger,⁸ has failed to recognize in XVIII the work of Lysias.

ample of Lysias' far famed skill in *ethopoia*, a speech based upon *πίστεις ἐκ τοῦ ἥθους*. Indeed, almost the entire speech is taken up with the services of the speaker to the state (1-10 and 22-24), and with reasons why, not only out of gratitude but for its own prosperity's sake, the state should come to his assistance (11-19). In 20-21 we have a brief characterization of his opponents. One might almost see in this nameless (*ἀπαράσημος*) speaker, a forerunner of Aristotle's "Magnanimous Man", who is fully conscious of his magnanimity. The assurance and poise of the speaker's character may be seen from 16-17; pride in his personal integrity from 19; pride in his formerly refraining to appeal to pity from 24. The trend of the argument in 11-14 resembles that of XVIII; cf. esp. XVIII. 29 and XXI. 13. All this, in my opinion, points to the fact that XXI was written as a piece of literature, not as a speech for use in the courts.

⁴ Unfortunately 14 is corrupt, and there is no agreement among scholars as to the actual form of accusation involved. In a case where interpretation depends upon emendation, we cannot expect unanimity of judgment. For a discussion of the various views, cf. Blass, 525 f.

⁵ op. cit., 24 ff. ⁶ 49.

⁷ Against Sachse, see Schöll, Jena Litztg. 1874, 678; Blass, Bursian I (1873), 273; Lipsius, Bursian II (1873), 1378.

⁸ 168, n. 1, where he gives as his opinion, that XVIII has been "mehr oder minder stark überarbeitet" without any proof of his statement.

XIX.

Sittl¹ alone has expressed doubt of the genuineness of XIX, *περὶ τῶν Ἀριστοφάνους χρημάτων*. His arguments are based upon a peculiarity in the address to the judges as *ὦ δικασταί* in 34, which he finds in the "spurious" speeches, VI *κατ' Ἀνδοκίδου* and VIII, *κακολογιῶν*, but also in a speech attested by Dionysius of Halicarnassus, XXXII *κατὰ Διογείτονος*. His suspicions were further roused by the *φέρε* which stands before *πρὸς θεῶν Ὀλυμπίων* in 34. The paucity of these arguments is patent, and they have been adequately refuted by Nowack.²

¹ 153. ² 102.

XX.

XX, *ὑπὲρ Πολυστράτου* [*δήμον καταλύσεως ἀπολογία*] cited in antiquity by Harpocration,¹ Photius,² and Suidas,³ as Lysianic, has been generally rejected in modern times.

Markland⁴ suggested the possibility of spuriousness because Pollux VIII. 2. 9. in citing *ἀπολῦσαι* in the sense of *ἀφείναι* called the expression *ιδιωτικόν* without referring to this speech of Lysias. Still he admitted, as an alternative, that Pollux might not have read the speech, or might have forgotten the passage. Franz⁵ accepted it, but dated it before 406 B. C. Dobree⁶ criticized it as "crasso filo, utpote plebeio loquente", yet said of it, "non contemnenda". His doubt of its genuineness seems to have been based on the necessity of dating it early.

Hölscher⁷ was the first to point out that XX is a *δευτερολογία*, spoken by the son⁸ in his father's behalf.⁹ He thought it

¹ s. v. Πολύστρατος. ² 441. 15. ³ s. v. Πολύστρατος. ⁴ 683.

⁵ *περὶ Λυσίου τοῦ ῥήτορος*, 5; de locis quibusdam Lysiae arte critica persanandis, 3; ed., 250. ⁶ 192; 240. ⁷ 95 ff.

⁸ Not the oldest, but the middle son (28, 29), as Sauppe noted in the margin of his copy of Hölscher.

⁹ Maussac (Reiske, 663), Markland, l. c., and Meier (Historia juris Attici de bonis damnatorum, Berlin, 1819, 182), had regarded it as *ἀκέφαλος*. Taylor, l. c., had opposed this on the ground that Lysias sometimes omitted proems.

possible that XII. 3 refers only to speeches actually delivered, so that the early date may be no argument against the authenticity of XX, yet he rejected it on the score of the confusion in thought. Baiter and Sauppe bracketed it in their edition. Scheibe¹⁰ rejected it.

Falk¹¹ rejected XX because he missed, especially in the first half, lucidity, valid proof, and logical order of thought. He also considered it unlikely that Lysias should have written dicanic speeches as early as 410 B. C., and that one who had been driven from Thurii because of democratic principles, should defend an oligarch. Westermann¹² urged against its authenticity both the early date, i. e. 410, that had been assigned by Krüger¹³ and the form of the speech. Bake¹⁴ rejected it without advancing any new arguments; so also did Herbst,¹⁵ Pertz,¹⁶ and Rauchenstein.¹⁷

Wattenbach,¹⁸ Grote,¹⁹ O. Müller,²⁰ accepted it as genuine.

Francken²¹ because of the confusion in the narrative, the lack of arrangement and lucidity, the supposed historical inaccuracies, and the resulting difficulty in determining the status of the case, not only declared XX spurious, but insisted that it could not have been written by a contemporary of Lysias. He considered that the author was not an adept in classical Greek, judging, for the most part, from certain corrupt passages. Kayser²² and Halbertsma²³ though with less vehemence, also rejected XX.

Fränkel²⁴ rejected it on the score of date alone. From Cicero, Brut. 12, and Lysias XII. 3, he thought it certain that before 403 Lysias had not written speeches for others. The passage in Cicero has already been discussed in the preface; regarding XII. 3 I may say, in addition to my other references to it, that

¹⁰ Lect. Lys., 342; ed., LXXXIII. ¹¹ XIV; 243 f. ¹² 227; XVI.

¹³ on Clinton, F. H., Ol. XCII. 3. Falk, 242, n., and Fränkel, 21 refuted O. Müller's arguments for a later date. ¹⁴ III, 245 ff.

¹⁵ Die Schlacht bei den Arginusen, Hamburg, 1855, 77. ¹⁶ 13.

¹⁷ 6; cf. Annales phil. et paedag. XCI (1867), 507; Philol. Anz. IX (1879), 451. ¹⁸ De quadringentorum Athenis factione, 38 ff.

¹⁹ VII, 252, n. 1. ²⁰ 382, n. 2. ²¹ 143 ff; 238. ²² 330. ²³ 44. ²⁴ op. cit.

it would hardly have been possible for Lysias to admit before a court which he hoped to persuade, that he was a professional speech writer.

Parow²⁵ emphasized the discrepancy between 1-30 which include narrative and proof, and 30-36, which according to most scholars, are incomparably better written and much nearer Lysias' real manner, and concluded that XX is the result of contamination of two speeches, but his proof of a thesis so difficult of demonstration is wholly inadequate.

Hoffmeister,²⁶ because he found no order or definite 'dispositio' of facts, rejected XX and subjected individual passages to an absurdly cavilling examination; his standard for style is arbitrary and unreasonable, and his method, if followed to a logical conclusion, would end in the rejection of virtually all Lysianic speeches. In opposition to him, Kirchner²⁷ recalled the fact that the text of XX is in a worse condition than that of any speech, unless we except VIII, and outlined the speech in proof that it is not devoid of a plan. He thought, however, that some transposition has taken place, and that 13-15 originally intervened between 2 and 3. He answered Francken's and Hoffmeister's objections to points of syntax and style and concluded that XX is a genuine but youthful work of Lysias. Blass²⁸ in his review, disproved Kirchner's theory of transposition, and, while admitting the justice of his replies to Francken and Hoffmeister, nevertheless maintained that XX is spurious. Kayser²⁹ also rejected Kirchner's conclusion.

F. A. Müller,³⁰ Hentschel,³¹ Hug,³² all rejected the speech. Gleiniger³³ thought that it has been more or less worked over.

²⁵ op. cit. ²⁶ op. cit. ²⁷ De vicesima Lysiae oratione, Ohlau, 1873.

²⁸ Bursian I (1873), 273 ff.

²⁹ Phil. Anz. IX (1878), 451 f. He quoted Rühl, Berliner Gymnasial-schrift, 1871, 775, as regarding XX as an epitome of a genuine speech. Against this view, he advanced two invalid arguments:—the date, and Lysias' democratic principles. The latter is invalid because a speech-wright could hardly choose his clients for their political persuasions, and if the speech is, as I hope to show, epideictic, the political principles of the speaker could not affect the question of authorship.

³⁰ 3. ³¹ 5. ³² Jena Litztg., 1876, 635 f. ³³ 168, n. 1.

Thalheim³⁴ urged against it the puerile arguments used in 5, 7, 16, the inability to express thoughts in periods, the verbal repetitions, and the lack of arrangement.

Röhl³⁵ thought it an epitome, a view that Albrecht³⁶ investigated at some length in an attempt to prove it correct by pointing out resemblances between X and XI. Stutzer³⁷ also defended this theory, and advanced in proof the absence of formulae of address in the supposedly epitomized parts, the many *ὑπαξ λεγόμενα*³⁸ grammatical peculiarities, faulty composition, excessive antitheses, and the fact that, in spite of its brevity of expression, repetitions occur. Both Albrecht and Stutzer thought the original speech genuine, and Pretzsch³⁹ adopted their view. Pohl⁴⁰ while rejecting the speech, proved, by quoting parallels from Antiphon and Andocides to the expressions not consistent with Lysianic usage, that from style there is no evidence for the theory that XX is a late epitome.

Landweer,⁴¹ Frohberger-Gebauer,⁴² Gülde,⁴³ Sittl,⁴⁴ all rejected XX.

Blass⁴⁵ objected to any attempt at transposition and to the explanation of the speech as an epitome, in order to account for its obscurity. The lack of logical development; confusion in detail, intricacy of expression, the absence of convincing power, all persuaded him of the spuriousness of XX. The character of the sentence structure confirmed his conviction. Yet the absence of figures, and the naturalness and truth of many of the turns (cf. esp. 10 and 17) he admitted, are Lysianic. In rejecting the speech he seems to have relied somewhat on the early date to which it is assigned.

Jebb⁴⁶ believed XX to be probably spurious. Baur⁴⁷ rejected it, and was inclined to regard the whole speech as a fiction based

³⁴ Die Rede für Polystratos (Lysias) XX, Breslau, 1876. He brackets the speech in his edition. ³⁵ Zeits. f. Gymn. XXXI (1877), 13.

³⁶ op. cit. Röhl, Zeits. f. Gymn. XXXIII (1879), 44 f., thought Albrecht went too far in making the same excerptor responsible for XI and XX, and in considering the original speech genuine.

³⁷ 545 ff.; cf. Philol. Rundschau, 1882, 8 ff. ³⁸ cf. Albrecht, 59. ³⁹ 38.

⁴⁰ op. cit., esp. 34 f. ⁴¹ 70. ⁴² 7, n. 50. ⁴³ 41. ⁴⁴ 149 f.; 152. ⁴⁵ 503 ff.

⁴⁶ 218 f. ⁴⁷ 308 f.

upon the well-known events of the time. Bergk,⁴⁸ inspired by the excellence of the peroratio, suggested that Polystratus' son wrote the speech and that it was later revised by Lysias, who added 30-36. Gilbert⁴⁹ cited it as genuinely Lysianic. Weidner⁵⁰ and Nowack⁵¹ rejected it.

Wilamowitz⁵² assumed the spuriousness of XX, and thought it the work of a *λογοποιός* less well trained than Lysias, published only on account of the "renommée" of the speaker and his family. The speech, published with omission of what was detrimental or unnecessary for the fulfilment of this purpose, was preserved by chance, and made its way into the Lysianic corpus through the stupidity of the collector. Wilamowitz admitted that no laws should be laid down for the composition of XX, but he felt that the virtual repetition of 6-8 in 16-17 is inadmissible, and demanded an explanation why the substance of 1-10 is repeated in 13-17. Therefore he concluded that what we know as XX is really parts of two speeches:—the former, 1-10, delivered by a man of some importance,⁵³ perhaps a friend of Polystratus, the second by the son. But his grounds for this assumption are inadequate, and I do not agree with his contention that the *καίτοι* at 11 is an impossible transition. If there is really a distinct difference in tone before and after 10, it is reasonable enough that the son should speak rather formally and impersonally at first, and later adopt a more personal tone.

Finally, Herwerden⁵⁴ and Croiset⁵⁵ rejected XX.

I have purposely omitted from this discussion all consideration of the legal aspect of XX, since scholars are utterly at variance about it. Accounts of the history of the Four Hundred, in what remains to us of contemporary writings, vary so considerably that it is quite impossible to determine with certainty the actual course of events. The *Ἀθηναίων πολιτεία* has added fuel to the blaze, but no light.

⁴⁸ 357 f. ⁴⁹ op. cit., 353. ⁵⁰ 6. ⁵¹ 105. ⁵² III, 356 ff.

⁵³ From 5 *ἐγὼ δ' ἡγοῦμαι . . . πᾶσχειν*; 10, *δεινὸν δέ μοι δοκεῖ εἶναι*. The ethos of the latter might be petulance, indignation; it is rather too common and uncoloured a phrase to be a test of ethos.

⁵⁴ 153. ⁵⁵ 449, n. 1.

As I have attempted to show, in answer to Fränkel, the early date does not disprove the possibility of Lysianic authorship, though it may explain the presence of characteristics of epideixis in the more restricted sense, such as repetitions and artificial sentence structure, lack of logical coherence, and weakness in the arguments. The state of the text is obviously responsible in part for the confusion and the obscurity.

The indifference to technicalities of law, and the omission of any very definite facts about the legal nature of the case led Baur to suggest that XX is a mere fiction with a historical background. Wilamowitz, in order to explain this, suggested that publication had involved the corresponding omissions. I should think it likely that Lysias here made one of his first attempts at dicanic epideixis. This view may also to some extent account for the obscurity of the speech.

30-36 have been generally regarded as not unworthy of Lysias. It may be that the speech was published without revision. Blass admitted that the merits of XX are Lysianic; we perhaps see more shortcomings, since our criterion of style is necessarily derived from Lysias' more mature products. In any case, summary rejection is unjustifiable.

XXII.

The genuineness of XXII, *κατὰ τῶν σιτωπωλῶν*, has only twice been called into question.¹ The arguments advanced against it by Hecker² were so thoroughly refuted by Rauchenstein³ that they need not be considered further. Francken⁴ thought it Lysianic, "sed fortasse ex recentiore recensione". He com-

¹ Nowack, 102, citing XXII as genuine, quotes as its only detractors except for Benseler, Jacobs, add. animadv. in Athen. 262, and Bremi, 444. This is obviously an error. It was the fourth speech (q.v.) that Jacobs and Bremi regarded as spurious.

² op. cit., 7. ³ Zeits. f. d. Altswiss. VII (1849), 352. ⁴ 160; 236.

mented upon the form *ἐλεύσεσθαι*⁵ in 11, and saw possible evidence of a late recension in the fact that after we have the accusation admittedly complete in 7, a new point should be brought up against the merchants. But we must notice that in 7, *ταύτην τὴν κατηγορίαν* refers strictly to what has preceded, and does not exclude the possibility of additional charges. It is, moreover, difficult to see in 17, *ἐπὶ τοὺς ἐμπόρους συνίστασθαι* and 21 *τοὺς ἐμπόρους ἐφ' οὓς (X οἷς) οὗτοι συνέστησαν* more than an iteration, from a different point of view, of the general charge.

The questions and answers in 5, the introduction of Anytus, —whom Thalheim unnecessarily distinguishes from the Anytus of Lysias XIII and Plato's *Apology*,⁶—the humour in 15, all suggest an element of epideixis.

⁵ Rutherford, *New Phrynichus*, London, 1881, 110 f., opposing Lobeck and Elmsley, regards this very passage as evidence that the form was good Attic. The paradigm represents *ἐλεύσομαι* as correct Attic in the moods.

⁶ Adams, ad loc., admits the possibility that this is the Anytus who was well known as one of Socrates' accusers. The only argument to the contrary might be the date which most scholars set at 387/6, either shortly before or after the peace of Antalcidas. But 14 and 15 from which the speech is dated, apply equally well to the last years of the Peloponnesian War. The battle of Arginusae did not clear the sea of Lacedaemonians. *σπονδὰς ἀπορηθήσεσθαι*, if a definite historical interpretation be demanded for the benefit of realism, may quite well refer to the rejection by Cleophon of Sparta's offer of peace, immediately after that battle (cf. Aesch. II. 76, and Aristophanes' *Peace* 667 for a similar phrase). A possible reference to the summary execution of the generals who survived, in the suggestion of speakers in the senate to put the retailers to death untried (2), confirms an early date, 406 B. C. It is noteworthy that the speech is against the corndalers as a body, though the questions in 5 are addressed to an individual.

XII. 3 will hardly be urged against an early date for an epideictic speech, nor, indeed, could it be fairly urged as an obstacle to anything but Lysias' actual appearance as a pleader, before 403. Even then, a statement in an oration can scarcely be accepted as strictly autobiographical.

XXIII.

Dobree¹ quoted Hemsterhusen as having hesitated to admit the genuineness of XXIII, *κατὰ Παγκλέωνος*. Francken, however, pointed out that the scholar who expressed his doubt in Misc. Obs. Amstel. t. VII, 319, was not Hemsterhusen, as the appended initials J. E. prove. Francken,² while insisting that the speech is Lysianic, thought it an epitome, because he found the "nexus sententiarum non optimus, et plena expositio causae desideratur". But the "sententiae" are in no case more than obvious deductions from obvious testimony, and the "expositio" of the case in hand, i. e. of the *παραγραφή*, is clear enough. The details of the original grievance in the case previously brought before the polemarch would be irrelevant. Further, Francken objected to the phrase *καί μοι ἐπίλαβε τὸ ὕδωρ*, as not elsewhere found in Lysias, and unsuited to the brevity of the speech, and saw in it the work of another hand. Sittl,³ also, because of this unusual formula, questioned the genuineness of XXIII.⁴ Stutzer,⁵ Jebb,⁶ Blass,⁷ and Nowack⁸ rejected Francken's theory. Blass pointed out especially that lengthy announcements of the testimony of the witnesses⁹ found here, as in XVII, would have been omitted by the epitomizer. We are fully justified, therefore, in regarding XXIII, in its present form, as genuinely Lysianic.

¹ 245. ² 164; 238. ³ 152.

⁴ Wilamowitz, II, 369, explained the repeated references to the water clock by the fact that Lysias had only a short time for the obvious reason that this preliminary trial was separated from the real trial. But in I and II, Lysias says he will make no long story of a short one. Perhaps the repetition of the phrase (witnesses are called five times in the course of the speech) is consonant with Lysias' inverted humour, a jest, punctuating with emphasis the short time needed for completing the case against Panceleon. That Lysias held the brief, whether real or fictitious, for the winning side is unquestionable, since Panceleon had failed to put in his appearance in his suit of *ψευδομαρτυριῶν* against Aristodikos. ⁵ 499. ⁶ 304. ⁷ 620. ⁸ 101 f.

⁹ This announcement of the testimony, which usually consists of a brief capitulation of its contents, points to the literary production. The testimony thus becomes unnecessary for a comprehension of the case, from the reader's point of view, while in a court of justice, it would be strange if the testimony of the witness should be thus anticipated by either plaintiff or defendant.

XXIV.

XXIV, *ὑπὲρ τοῦ ἀδυνάτου*, is attested by Suidas;¹ it is mentioned as Lysianic by Harpocration,² and only in recent years have modern scholars been inclined to question its genuineness. To Dobree,³ who quoted Hemsterhusen as assigning the speech to Lysias, it seemed not only an "oratio minime contemnenda", but also "acuta, nitida". Böckh, in his *Staatshaushaltung der Athener* spoke of it as a mere *μελέτη* that was never delivered,⁴ but nowhere rejected it as spurious, although most modern scholars quote him as denying its genuineness.⁵ That a speech may be genuine, and yet neither suited nor intended for delivery in the courts, we have already seen.⁶ To Bergk,⁷ who attempted a refutation of Böckh's judgment, the speech seemed well adapted for actual pleading, also to Bremi,⁸ Falk,⁹ Gleiniger,¹⁰ and Blass,¹¹ who classified it as a "bagatelle" speech, and remarked that productions of this type were all regarded as spurious by the ancient critics;¹² he nevertheless regarded it as genuine, and hesitated to say with Böckh that it is unsuited to

¹ Suidas, s. v. ἀνάπληρον. *Λυσίας ἐν τῷ περὶ τοῦ διδομένου τοῖς ἀδυνάτοις ὀβολοῦ.*

² Harpocration, s. v. ἀδυνάτοι, *ἔστι δὲ καὶ λόγος τις, ὡς λέγεται, Λυσίου περὶ τοῦ ἀδυνάτου, ἐν ᾧ ὡς ὀβολὸν λαμβάνοντος μέμνηται.* Dindorf reads as above, inserting the *ὡς λέγεται* from B C G H. Bekker omits these words. Blass quotes, omitting *λέγεται*. Even with the reading *ὡς λέγεται*, we can hardly say that Harpocration questioned the genuineness of the speech. It seems rather as if he had heard of the existence of such a speech, but had seen no manuscript of it. To read *ὡς* without *λέγεται* is taking an unnecessary liberty with the mss. readings, and one not to be defended by Harpocration, s. v. ἐγγυθήκη. ³ 192; 246.

⁴ I, 2, 309 n. "Diese Rede ist übrigens in einem so possirlichen Ton verfasst, dass ich sie für eine blosse Übungsrede halte, die nicht vorgelesen wurde; wenigstens hätten die Athener sich höchlich verwundern müssen über die Spasshaftigkeit dieses um Sold flehenden Menschen".

⁵ Gleiniger, 168; Scheibe, ed. LXXXIV; Blass, 637; Nowack, 102; Bruns, 461 f.; Herwerden, 175; Wörpel, op. cit.; Motschmann, op. cit.; Christ, 388, n. 4. ⁶ cf. speeches IV, VI, VIII, XIV, XV.

⁷ Jb. f. Philol. LXV (1852), 392, approved by Max Fränkel ad Böckhii locum, II, 68, n. 453. ⁸ 245. ⁹ 277. ¹⁰ 168 f. ¹¹ 633 ff.

¹² Jebb, 255, points out that Athenaeus, V. 209 f. refers to *περὶ τῆς ἐγγυθήκης* as ascribed to Lysias, acquiescing, apparently, in the ascription.

delivery. He thought it impossible to decide what style of speech Lysias would refuse to write or the court to hear.

Rosenberg¹³ doubted whether it was a fortunate idea to represent the speaker of Lysias XXIV in his peculiar ethos, "wenn die Rede überhaupt mehr als eine blosse Übungsrede gewesen ist", and indeed the invalid's character, though not calculated to hoodwink any but a most simple-minded jury, is excellent in a *μελέτη*, as a humorous sketch. Mahaffy¹⁴ thought that the speech is genuine and not only that it was delivered in court, but "that it gains or loses almost all its point by the delivery". It is impossible to agree with this last assertion. The literary value of XXIV is, as I shall have opportunity to repeat, independent of its delivery and incontestable. Bruns¹⁵ was the first, therefore, of the moderns to reject the speech outright. He believed with Böckh that it is a *μελέτη*. His conclusions have been rejected by Wörpel,¹⁶ Motschmann,¹⁷ and Adams,¹⁸ but their refutations of his arguments are not altogether adequate or convincing. It will be worth while, therefore, to examine them in some detail.

The two main arguments advanced by Bruns against the genuineness of the speech serve, as we shall see, only to emphasize the probability that it was written as a *μελέτη*. In the first place, he objects to the violent accusations against the plaintiff in 2, 10, 13, 14, and 18, from which we get no picture of his character, and which are inappropriate to the triviality of the case. Furthermore, the defendant ascribes to the plaintiff various inconsistent motives (2, 3, 18). Bruns' second argument is based upon the comic rôle played by the speaker from beginning to end, his evasion of the accusations brought against him, and his failure to prove his case.¹⁹

In answer to the first argument, it is my opinion that all of these traits serve to emphasize the ethos of the speaker. An

¹³ Phil. Anz. V (1873), 456.

¹⁴ 146 f. ¹⁵ 461 ff. ¹⁶ op. cit. ¹⁷ op. cit. ¹⁸ 231 ff.

¹⁹ His objection to the proem as similar to that of XVI, (i. e. copied from it) but not suitable to XXIV, has been refuted by Wörpel.

additional sketch of the plaintiff would have interfered with the artistic unity of the piece. As for the variety and inconsistency of the motives assigned to the plaintiff, this also may be set down to the ethos of the invalid; moreover, we have a parallel in III, *πρὸς Σίμωνα*, where the speaker quotes various and inconsistent motives for his own previous inaction.²⁰ The comic rôle of the speaker, moreover, is no proof of spuriousness, but possibly an indication of the fictitious character of the speech.²¹

That Bruns' arguments are conclusive against any view of XXIV as a sober defence, Adams admitted, but added, "they

²⁰ He speaks of shame in 3 and 9, and immediately afterwards in 9, of fear of ridicule; in 31, of fear of publicity, and in 40, of desire to avoid, if not hostility between himself and his opponent, at least the exile that was hanging over one of them. The element of caricature in XXIV accounts for the greater variety and lack of consistency in the motives there quoted.

²¹ In order to account for the intrusion of this speech into the Lysianic corpus, Bruns depends upon his theory of *ethopoia*. He assumes that Lysias never objectively creates a character, but throws himself, as it were, into his client's boots, and becoming the client himself, writes, literally, the client's own speech. (So, for instance, like Devries, *Ethopoia* in Lysias, Baltimore, 1892, he regards Euphiletus in I as an honest, guileless, misused man. Other scholars detect a note of pathos in XXIV. All this shows that Lysias' characters, like those of a modern novel, are capable of various interpretations.) Bruns argues that too clever *ethopoia* would have made the judge aware of the logographer behind the speech, and so prejudiced him unfavourably, but if speech writing was a well-known practice, this argument falls, even if the practice were, among literary men, in ill repute. Again, he believes, that Lysias may put into the mouth of his client (cf. I. 32) arguments of which the reasoning and the arrangement could not possibly originate with the client, simply because they were right and effective. That this is inconsistent with the preceding point, and his general theory of *ethopoia*, is obvious. It seems almost as if Bruns falls into the class of scholars mentioned by Dionysius of Halicarnassus (*de Lysia* 8), who fail to realize that Lysias' artlessness is artful. But to return to XXIV: the writer of this speech, according to Bruns, admiring the living characters in Lysias' speeches, failing to understand his method of *ethopoia*, and believing that he worked in these cases like a comic poet, who lets a character go through an unbroken soliloquy in a quarrel scene, upon this supposition wrote XXIV, supposedly in the Lysianic manner. (X. *κατὰ Θεομνήστον α'*, he believes, as we have seen, is a less successful example of this imitation.) This hypothesis falls, of course, with the fall of Bruns' theory of *ethopoia*. Lysias can always be seen behind the client, the light that "illumes the grinning pumpkin's head". Typical Lysianic inversions occur in most varied speeches, uttered by characters of various types.

do not meet the theory that the speech is a humorous parody, written for the actual use of a notoriously odd character, for whom there was really no plea except his own comical personality". Here Adams seems to take as ambiguous a view as Blass, who regarded XXIV as a "bagatelle" speech, and yet as one that was actually delivered. That a "humorous parody" is not suitable for a defendant's speech in court, under any circumstances, that the "comical personality" of the speaker could not, in any court of justice, be presumed upon to take the place of argument, that the speech emphasizes the weakness of the defendant's case, all this shows that it was a literary exercise, not written for delivery. Lysias' attitude to the speech and its premises is, in my judgment, ironical, as is that of Euripides to the premises of his plays and to his plays themselves (Wilamowitz, N. J. XXIX (1912), 460). From the mock emphasis on the amount of the pension we may imagine this a satire written after the passage of the New Pension Law, which was made after the end of the war, reducing the pension from two obols to one, but still insisting on an annual δοκιμασία (22, 26).

Baur,²² Wörpel,²³ Motschmann,²⁴ all believed that the speech is genuine, and was actually used in court. So, apparently, did Nowack.²⁵ Wörpel, however, is the only critic who advanced arguments against the theory that it is a μελέτη. It could not, he thought, be a μελέτη, because the case is so clear against the defendant, and, moreover, because it is impossible, in his opinion, to have a historical background²⁶ for an epideictic speech, since the rhetoricians preferred subjects taken from mythology. If the speech is a mere exercise, then, according

²² 345 f. ²³ op. cit.

²⁴ op. cit. Motschmann's attempt to prove that Lysias' characters are all types is of questionable value and more questionable truth. Once a character has been drawn with some fidelity to life—perhaps even with a dash of caricature—he becomes the prototype of a type. One cannot but remember, in connection with this invalid, Dickens' man with the wooden leg, Silas Wegg. Neither was ever anything but a literary figure, yet both are perfectly individualized.

²⁵ 102. ²⁶ See 25. The pension law is, of course, historical.

to Wörpel, it is a wretched piece of work on the part of a frigid sophist.

The fact that the case is clearly against the defendant points in the opposite direction. The clever Lysias would hardly write speeches for his clients which clearly put or left them in the wrong. Purely historical subjects are treated in epideictic speeches as in Isocrates' oration for the younger Alcibiades (XVI), in Lysias' speeches on the other side, (XIV, XV), in Lysias VI, against Andocides, and, to some extent, in the Epitaphii. The question of use in court cannot fairly be said to affect its literary value. What a "frigid sophist" would write as an exercise, Lysias could not write for a client. I am therefore of the opinion that XXIV is genuinely Lysianic, and at the same time, epideictic.

XXVII.

Francken¹ has been the only scholar² to question the genuineness of XXVII, κατ' Ἐπικράτους [καὶ τῶν συμπρεσβευτῶν ἐπίλογος, ὡς Θεόδωρος]. His objections, based partly on supposed peculiarities in diction, partly on the parallel passages in XXX, κατὰ Νικομάχου, and XXVII, which led him to the conclusion that the author of XXVII was a late imitator, were opposed by Kayser³ and Blass,⁴ and refuted in considerable detail by Hentschel.⁵

The indefiniteness of the accusation and the obscurities that render interpretation of the case difficult have suggested many questions to scholars which, however, they have answered in various ways. Francken cut the knot and rejected the speech. Herwerden⁶ acquiesced in this rejection. Hölcher thought it

¹ 194 ff; 238, "rhetoris recentioris".

² Nowack refers to Schömann, 584, where, however, although XXX, κατὰ Νικομάχου, is suspected, there is no mention of XXVII. ³ 332.

⁴ 450, n. 1. Blass points out that Hentschel's objection to μέρει τῶν ἀδικημάτων in 6, is groundless. ⁵ op. cit., 26 ff. ⁶ 194 f.

an *ἐπίλογος*,⁷ delivered by the last of several accusers. In this, he was followed by Falk,⁸ Scheibe,⁹ Francken,¹⁰ Baur.¹¹ Blass, who first¹² thought it a *δευτερολογία*, later¹³ left undecided the question whether it is an *ἐπίλογος* in the sense used above, or a mere peroration, but inclined to the latter view.

Hamaker¹⁴ thought that XXVII in its present form is the result of a contaminatio, such as Wilamowitz saw in XX, of two Lysianic speeches, the first sentence of 1, together with 9 from *πῶς γάρ* to the end, being the original peroration of an accusation against Epicrates, and the remainder from one held "in logistas vel euthynos, quum magistratus sui rationem redderent". Scheibe¹⁵ and Francken¹⁶ attacked his arguments; against them, Parow¹⁷ defended Hamaker's view with a slight modification in detail. Hentschel¹⁸ gave the final blow to this theory, and it has not been revived.

Kayser,¹⁹ Hentschel,²⁰ Thalheim²¹ think XXVII merely the peroratio of the original, and that the entire first part has been lost. It seems to me that an answer to this question must be more or less subjective. If *καταδιῶξαι* cited by Bekker, *Anecdota* 103. 11, from *Λυσίας· κατὰ Ἐπικράτους* is not found in XXVII, there is as much reason to assume that there were two speeches against Epicrates,²² as that the greater part of one has been lost.

Scholars disagree on the question of the actual charge brought against Epicrates. That he is identical with the Epicrates mentioned in Dem. XIX. 227 is generally assumed, though Baur²³ opposed this view and Blass²⁴ held out against it. Most scholars, among them Blass, think Epicrates was accused of theft and accepting bribes. To me it seems more probable that Thal-

⁷ 110. The words *καὶ τῶν συμπρεσβευτῶν ἐπίλογος*, added in the title by a late grammarian, Theodorus, are of little value. ⁸ 306.

⁹ Vind. Lys., 95; ed., LXXXV, "deuterologia est". According to Blass, 454, he assumes the loss of the preceding part in ed., LXXXIII. In ed., LXXXIII, he assumes the mutilation of XVIII and XXI. Is not Blass in error? ¹⁰ 204. ¹¹ 387 f. ¹² *Annales liter. Jenenses* 1874, 15.

¹³ 454. ¹⁴ 72 ff. ¹⁵ Vind. Lys., 94 ff. ¹⁶ 202. ¹⁷ 42 ff. ¹⁸ 46 ff. ¹⁹ l. c.

²⁰ 51 ff. His arguments are not decisive. ²¹ XLVII.

²² We know of two speeches against Alcibiades, two against Andocides, two against Diogenes (cf. Blass, 366), and two for Iphicrates (cf. Dion. of Hal., de Lysia 12). ²³ l. c. ²⁴ 453 f.

heim's²⁵ view that the case is identical with the one on the false embassy mentioned in Demosthenes, is correct.²⁶ Only I should think that Lysias never wrote for the actual trial, but composed XXVII as a demonstration against the *δημαγωγοί* mentioned in 10,²⁷ of whom Epicrates was obviously one,²⁸ taking advantage of the opportunity offered by Epicrates' trial for the false embassy. This accounts for the assumption in 1 that the accusation on the charge of the false embassy has been completed, and the end of the speech, 16, seems to show knowledge of Epicrates' escape from the sentence, which, as we know from Dem. XIX. 277, was passed upon him.

Whether Lysias' other speech against Epicrates, thus assumed, dealt with the direct accusation in this trial, it is impossible to say. He might have used as a background the previous lawsuit against him, mentioned in 4, to which Hentschel,²⁹ following Francken, referred Plutarch Vit. Pelop. 30. It is likely, also, that we should find some characterization of Epicrates, which is entirely lacking in XXVII, where a class of men, rather than the individual, is attacked.

²⁵ J. J. (1878), 553 ff; ed., XLVIII.

²⁶ He points out the striking coincidence of dates, and the probability that Theodorus added *καὶ τῶν συμπρεσβευτῶν* to the title if he found it in 1, rather than that he inserted it in both places, and then omitted it in 16. Blass, 453, n. 1, objects to the form of the word, instead of *συμπρέσβειων*, but *συμπρεσβευτήν* occurs in Aesch. I. 168.

²⁷ Dem. XIX. 277 speaks of Epicrates in the following terms, *ἀνὴρ . . . σπουδαῖος καὶ πολλὰ χρήσιμος τῇ πόλει καὶ τῶν ἐκ Πειραιῶς καταγαγόντων τὸν δῆμον καὶ ἄλλως δημοτικός*. XXVII seems to be an attack precisely upon his strong point of defence. In 10, *οὐκ ἀγαθῶν δημαγωγῶν* is the reverse of Demosthenes' picture. Theophrastus (Jebb-Sandys ed., 152) makes his man of oligarchic disposition say, *πότε πανσόμεια ὑπὸ τῶν λειτουργιῶν καὶ τριαρχιῶν ἀπολλύμενοι; καὶ ὡς μισητὸν τὸ τῶν δημαγωγῶν γένος*. ²⁸ cf. Harp. s. v. Ἐπικράτης. ²⁹ 10 f.

XXVIII.

The genuineness of XXVIII, *κατὰ Ἐργοκλέους*¹ [*Ἐπίλογος*] has been questioned only by Sittl,² who thought it strange that Lysias should attack a friend of Thrasybulus the Stirian, and objected, furthermore, to the address, *ὦ ἄνδρες Ἀθηναῖοι*, as used to the judges here and in VI. Nowack,³ however, pointed out that the same form of address is used repeatedly, in XII (69), XIII (3, 8, 15, 18, 43, 93 twice), XXVII (1, 8), XXXIV (1, 3, 9, 11), and explained, in addition, that no definite rule can be laid down for Lysias' use of such formulae.

Lysias wrote a speech *κατὰ Θρασυβούλου*,⁴ in all probability against the Stirian.⁵ As Thrasybulus never returned to Athens after the expedition of 390 B. C., the speech may have been, like those against Andocides and Alcibiades, merely a literary work, introducing the character of a prominent man into a background of fictitious arraignment.⁶

¹ Ergocles himself is not mentioned in Xenophon's account of the expedition, *Hell.* IV. 8. 25-30, but is probably to be identified with the one mentioned by Demosthenes (XIX, 180) as one of a series of generals, condemned for injury to Athenian interests in the Hellespont. Even so, it is unnecessary to assume that XXVIII was written for actual use. There is no reason why Lysias should not have written a purely literary piece, on the occasion of a notorious trial.

² 153. ³ 103.

⁴ Mentioned by Harpocration four times without comment, s. vv. Ἀναξίβιος, ἐπιθέτους ἐορτάς, Σεύθης, Στρούθης; four times with *ἐλ γνήσιος*, s. vv. Δικαιοπόλις, Ἰσμηνίας, Πολύστρατος, Πύρρα. ⁵ Blass, 456.

⁶ This assumption is at least as well founded as that of spuriousness. cf. Blass, 448, n. 2, "Sauppe hält mit Hölcher die Rede *κατὰ Θρασυβούλου* für eine spätere Deklamation".

XXIX.

The fashion of seeing in every speech an epitome,—a fashion justly decried by Nowack,¹—led Francken² to see in XXIX *κατὰ Φιλοκράτους* [*Ἐπίλογος*] a possible epitome of an unquestionably Lysianic speech. His theory has found no approval. His only ground for it is what seems to him a lack of transition between 4 and 5. As a matter of fact, a careful reading shows the intimate connection between the arguments advanced in 3 and 4 to prove that Philocrates had some of Ergocles' money, and the two possible lines of defence opened to him in 5. Philocrates may prove that he did not have the money, or that Ergocles was unjustly condemned; otherwise he is, ipso facto, guilty. The reasoning is concise, logical, uninterrupted. The genuineness of XXIX has never been questioned.

The absence of testimony and proof convinced Blass³ that the word *ἐπίλογος* appended to the title is correct; that, like XXVIII, this was written for, and delivered by the last of several prosecutors appointed by the state. If we are to believe that the speech was actually delivered, it is difficult to discover in 1 anything but evidence that all the other accusers had dropped out,⁴ and in that case they could certainly not have been *συνήγοροι*. I cannot see why the speaker, as Blass objects in answer to Francken's view that this was the only speech against Philocrates, cannot have been responsible for the *ἀπογραφὴ* because of the words in 1, *κάμοι δοκεῖ οὐδενὸς ἔλαττον εἶναι τεκμήριον τῆς ἀπογραφῆς ὅτι ἀληθὲς οὐσα τυγχάνει*. The *ἐπίλογος* in the mss. was probably inserted by a grammarian who found no other way of accounting for the absence of testimony and proof.⁵ But it is not necessary in order to maintain belief in its genuineness, to call a speech, because it is without proof and testimony, either

¹ 100 f. ² 238; 228. ³ 460. ⁴ cf. Francken, 226.

⁵ For similar reasons it has been inserted in the titles of XVIII, XXVII and XXVIII. But it is not necessary to lay stress upon this. Schöll, 17, merely voices the general attitude of scholars when he says that it is impossible to put any faith in the traditional titles.

an epitome or an *ἐπίλογος*. It is, in my opinion, simply an epideictic speech of the type of Isocrates' *ἀμάρτυρος*, written on the lines of *τὸ εἰκός* without the frankness about this type of argument that we find in Antiphon, Tetralogy I. The beginning of the proem, 1, is simply a commonplace of background which gives an opportunity for the rather sophistic conclusion that Lysias draws from it. Finally, as I have previously pointed out, it seems strange that *συνήγοροι* should need to hire writers of their speeches.

XXX.

XXX, *κατὰ Νικομάχου*¹ [*Γραμματέως εὐθυνῶν κατηγορία*], is cited once by Harpocration² with the familiar reservation, *εἰ γνήσιος*. He uses the patronymic *Νικομαχίδης*, however, which we find used once in the speech itself.³

In the judgment of Dobree⁴ it is "acerba et acuta, subinde vehemens", though less "elegant scripta" than XXVII and XXVIII. Hamaker⁵ was the first to suggest that the form of XXX is due to mutilation, though he suggested as an alternative that it may be a *συνήγορία*. He considered what remained merely the epilogue of the original speech, and accounted in this manner for the obscurity of the case and the difficulty of its explanation. Scheibe,⁶ however, defended it as not "manca et mutila", but "integra", accounting for the obscurity by the inadequacy of modern as compared with contemporary knowledge of Athenian affairs.

¹ s. v. *ἐπιβολή*.

² For a list of various suggested identifications of this Nicomachus with others of the same name, see Gülde, 1 f.

³ § 11. Taylor, 835 f., censured Meursius (Jan de Meurs) for not identifying with XXX the speech cited by Harpocration; modern scholars have unanimously accepted the citation as referring to this speech. ⁴ 255. ⁵ 86 f. ⁶ Vind. Lys., 104 ff.

The first doubt of genuineness was expressed by Francken,⁷ who, however, considered the style Lysianic, and, on the whole, contented himself with explaining "historical discrepancies" by the assumption that the author was a clever speechwright rather than an honest man. To Fränkel,⁸ it seemed unquestionably genuine. Schömann⁹ expressed a doubt, finding improbable or incredible many statements that, contrary to Lysias' usual manner (Dion. de Lysia 18), are not *ἐτυμοῖσιν ὁμοῖα*. The speech, he thought, was never delivered in court, nor ever written for that purpose, but was published by an enemy of Nicomachus in the form of a legal speech. Whether Lysias wrote it for himself or for another, Schömann did not determine, but Harpocration's *εἰ γνήσιος* suggested to him the possibility, at least, of spuriousness. Gleiniger¹⁰ held that this speech, among others, has been more or less worked over, but gave no evidence in confirmation of his view.

Frohberger,¹¹ to whom Schömann¹² had recommended close study of XXX, followed Sauppe in thinking it a *δευτερολογία*, though he admitted that there is no evidence for believing that a speech against Nicomachus preceded this.

Albrecht¹³ and Stutzer¹⁴ both expressed the opinion that XXX is an epitome, but without giving reasons to substantiate this view. Stutzer has not fulfilled his promise of more detailed treatment. Rauchenstein¹⁵ and Fuhr¹⁶ considered it genuine and a *δευτερολογία*.

Gülde,¹⁷ after a careful examination of the speech, came to the conclusion that it was the real accusation, and that it has come down to us intact. He admitted, however, that there might be some reasonable objection to the form of the narrative, which is very brief (2-5) and interspersed with accusations. Schömann's idea he rejected because the reading of *ἀντιγραφαί* before the trial dispensed with the necessity for ex-

⁷ 222; 238, "Lysiae esse potest". ⁸ 8, "Sine dubio germana".

⁹ 584. ¹⁰ 168, n. ¹¹ 249 f. ¹² 1. c. ¹³ 65, thesis 3.

¹⁴ 531, n. 1; 564, n. 1, he stated his inability to see what cogent reasons led Harpocration to rejection. ¹⁵ II, 61. ¹⁶ *ibid.* ¹⁷ *op. cit.*

treme definiteness and detail in the accusation. The speech, he thought, cannot be a *δευτερολογία*, because there is no trace of a speech preceding it, and because anticipation and refutation of the accusation that Nicomachus will bring against the speaker (17-19) points to his being the main accuser. His argument from 7 is, as Blass¹⁸ pointed out, based on a misinterpretation of the passage.

F. Schultze,¹⁹ while agreeing with Gülde that the possibility that XXX is a *δευτερολογία* is virtually precluded, insisted that in any case this assumption would not avail to explain the obscurity. To condemn the speech as spurious seemed to him no better expedient, since in its present condition it could not have been delivered in court. Therefore he concluded that it must be an epitome, but admitted that the epitomizer worked over only the first part of a genuinely Lysianic speech.

I have already spoken of the impossibility of proving that any one of these speeches is an epitome. In reference to XXX, the assumption that it is an epitome is particularly ill-founded. Why should an epitomizer suddenly weary of his task, and copy out a great part of his original without change? Is it not more likely that he would, in such a case, indicate in the broadest outline the substance of the speech? The Lysianic corpus, moreover, does not show a desire on the part of compilers to include every scrap of Lysias available; the lists of works attributed to Lysias rather indicate selection. Blass²⁰ in reference to Schultze's conclusion wrote, "Das verfehlteste Auskunftsmittel ist, die überlieferte Rede für eine Epitome zu erklären".

Sittl,²¹ though he pointed out that in XXX we have the only example of a "Kapitalprozess" in which the judges are addressed as ὧ ἄνδρες δικασταί, did not on this account question the genuineness of the speech. He agreed with Blass that by the assumption that it is a *δευτερολογία* all difficulties are removed. Blass furthermore found the parallels between XXX

¹⁸ 466, n. 5. ¹⁹ De Lysiae oratione trigesima, Berlin, 1883.
²⁰ l. c. ²¹ 152 f.

and XXVII significant of identity of authorship, though he had refused to assign any such import to the parallels between XXX and XIV.

Sachse²² rejected the possibility that XXX could be either an epitome or a *δευτερολογία*. The confusion and obscurity in the charges brought against Nicomachus convinced him that the speech could not have been a success in court; therefore he adopted Schömann's idea that it was never delivered, and, moreover, declared it to be spurious.

This conclusion was opposed, and the arguments, in part, refuted by Albrecht,²³ who had already abandoned his theory that XXX is an epitome, and come to the conclusion that it is genuine, though considerably mutilated.²⁴ Nowack²⁵ also felt the inadequacy of Sachse's arguments, especially in consideration of the genuinely Lysianic diction.²⁶ Yet he did not decide to accept the speech unconditionally, and so we read as his ultimatum, "authenticam teneo, quamquam eam extra omnem dubitationem non positam esse concedo". Herwerden²⁷ accepted XXX as genuine, as did also Thalheim,²⁸ who agreed with Hamaker that the first part of the speech has been lost.

The main objection to this speech has been the so-called obscurity and confusion in the first part, that is, in the accusations brought against Nicomachus. The justice of these accusations may be doubted, but difficulties in interpretation arise only from attempts to insist upon conformity with what would be suitable for the conviction of a defendant in court. That Nicomachus was a well-known figure in Athens may be assumed from the mention of him in Aristophanes, Frogs 1505. That the class of ὑπογραμματεῖς was held in contempt may be deduced from Frogs 1084, (reading ὑπογραμματέων as one word, as do most modern editors following Bergk's suggestion²⁹). Unquestionably his maladministration was generally known, if not

²² Über die dreissigste Rede des Lysias, Posen, 1886; Bursian, 94 f.

²³ Zeits. f. Gymn. XLII (1888), 213 ff.

²⁴ Zeits. f. Gymn. XXXVII (1883). ²⁵ 106 f.

²⁶ Investigated in detail by Schultze, 37 ff. ²⁷ op. cit. ²⁸ XLVIII.

²⁹ ep. ad Schillerum, in Schiller's ed. of Andocides, 146 ff.

generally discussed. Lysias then had no need to do more than recall to the Athenians their knowledge of Nicomachus. The neglect of the amnesty decree which is displayed in the references to events that took place immediately after the administration of the Four Hundred points also to the unfitness of the speech for delivery. There is no narrative, because there is nothing in the facts to afford suitable opportunity for one, and Lysias probably kept to the facts, though unquestionably to his own version. The anticipation of Nicomachus' attacks upon the speaker serves, in each case, merely as a framework upon which to build a similar accusation against Nicomachus himself. The speaker then falls into invective, first against Nicomachus personally, and here we find a typically Lysianic passage of rhetorical questions and answers (26, 27); then against ὑπογραμματοῖς as a class; he ends with animadversions against those who will defend Nicomachus.

I should, therefore, without questioning the genuineness of XXX, maintain the view first held by Schömann that it was written as a demonstration against Nicomachus; that, although it was couched in the form of a speech, it was never intended for delivery in court. Assuming this, we are not confronted with the necessity of determining the exact dicastic status of the speech, which has been for scholars a serious difficulty.

XXXI.

XXXI, κατὰ Φίλωνος, estimated already by Dobree¹ as "cras-siore filo", was first regarded with suspicion by Scheibe,² owing to the assonance in 26 and 32, the commonplaces in 6 and 11, the antitheses in 28. Most scholars, even though they admit that these peculiarities are a variation from the Lysianic norm.

¹ 193.

² 372. The question of spuriousness is not raised in his edition.

yet consider them insufficient proof of spuriousness; so Rauchenstein,³ Frohberger,⁴ Blass,⁵ Huss.⁶ In the same year as Scheibe, Halbertsma⁷ spoke of the speech as scarcely worthy of Lysias, because of the "argumentorum paucitas, ratiocinationum rhetoricum moles, pueriles verborum lusus et antithetica rhetorica". Schömann⁸ thought it strange that Solon's law, even if it was at the time antiquated, should not have been cited. He remarked that Halbertsma might have used this as an argument, but did not draw any final conclusion about the genuineness of XXXI.

Francken⁹ thought the form, composition, and course of argument truly Lysianic, and rejected Scheibe's strictures as containing no proof of spuriousness. Nevertheless, mainly on linguistic grounds, he believed that the speech has been to some extent worked over. His objections were answered, in part, by Kayser;¹⁰ what remains unaccounted for, such as the unique expression, ἔχθραν μεταπορευόμενος (2), is insufficient warrant for an assumption of redaction. Baur,¹¹ without attacking the genuineness of XXXI, doubted if it was ever delivered in court, because of the slightheadedness and fancifulness of the accusations against Philon. The argument from the mother's will (20-24) seemed to Baur especially typical of an "Übungsrede". Sittl¹² suggested that variations in 14 and 23 from the usual formulae for summoning witnesses might point to spuriousness, but as we have previously seen,¹³ Sittl overestimated the need for absolute uniformity in these formulae. Wagner¹⁴ expressed doubts of its genuineness, and remarked upon the extraordinarily large number of articular infinitives, eleven in thirty-four paragraphs.

Nowack¹⁵ classed this speech and the preceding one, κατὰ Νικομάχου, as "dubiae"; in addition to the non-Lysianic char-

³ I, 130. ⁴ 61. He rejected Francken's theory of a late redaction.

⁵ 485. ⁶ op. cit.; cf. Frohberger, Phil. Anz. II (1869), 290.

⁷ De Magis. prob. ap. Ath. Deventer, 1841, 31. ⁸ I, 588.

⁹ 230; 238, "Lysiae, sed παραπεποίηται". ¹⁰ 333. ¹¹ 423. ¹² 152.

¹³ See under XIX, XXIII, XXVIII. ¹⁴ 4. ¹⁵ 107.

acteristics observed by Scheibe and Frohberger, another consideration inclined him to consider it spurious: neither the amnesty decree of 403 nor Solon's law insisting upon participation in party strife is mentioned. Lübbert's¹⁶ explanation of the first omission, and Lüders'¹⁷ of the second, failed to satisfy Nowack.

The simplest explanation, however, is that in an epideictic speech to which, as we have seen, the slightness of the argument, essentially based upon *πίστευς ἐκ τοῦ ἡθους*, and the rhetorical ornament of XXXI point,¹⁸ there is not the same necessity for mention of the amnesty and the law of Solon, that there would have been in a speech designed for use. Nowack's arguments, therefore, suggest that it is a literary fiction, but do not prove spuriousness.

Vogel¹⁹ believed that XXXI is a late school exercise, and explained by this assumption the intangibility of the historical personages and the vagueness of the time relations. His other objections to the plays on words and the commonplaces, and to some constructions differing from Lysianic usage (among which the undesirable presence or absence of *αἶν* may be due to the text tradition), are not sufficient to prove his point. Büchle²⁰ also condemned the speech. He emphasized the vagueness and indefiniteness of the narrative of Philon's neutrality at the time of the strife. The story of his robbing the old citizens seemed to Büchle "lemblos". In the third narrative,—of his non-fulfilment of duties,—we hear nothing of Philon himself. Also there are objections to the "Gliederung" of XXXI and to the use of commonplaces, as well as to the failure to cite definite laws. All this, he admitted, does not argue against Lysianic author-

¹⁶ De amnestia anno CCCIII a Chr. n. ab Atheniensibus decreta, Kiel, 1881, 91. He thought that Philon was excluded from the benefits of the amnesty, because he did not belong to either of the two parties concerned, but had committed crimes against the entire state.

¹⁷ J. J. XCVII (1868), 54. His idea that the law was obsolete in Lysias' time was confirmed by Rauchenstein, Fuhr, and Blass.

¹⁸ cf. Blass, 485, esp. n. 2.

¹⁹ op. cit.; Bursian, 96. ²⁰ op. cit.; Bursian, 95 f.

ship. So that it is only upon the basis of individual peculiarities found by him in the speech, that he concluded that it lacked *ethopoia*, and that rhetorical devices had been employed to excess. It is therefore "eine Übungsrede, aber aus wirklich lysianischen Flecken meist nicht immer glücklich zusammengesetzt".

It is not true, in my opinion, that the speech lacks *ethopoia*, though of course it is Philon, and not the speaker, who is cast into the foreground. The rhetorical figures are not in excess if the work is epideictic, so Büchle's arguments serve rather to uphold this view than to disprove the genuineness of XXXI.

XXXIII.

The Olympiacus of Lysias is preserved, in part, by Dionysius of Halicarnassus, de Lysia 30, as an example of his epideictic manner. It is referred to, without question of its genuineness, by Pseudo-Plutarch, Hermogenes, and Harpocration.¹

Scheibe in 1841² advanced various arguments (later refuted by Blass³), in the belief that the fragment is spurious, but in his edition accepted it as genuine without question. Schäfer⁴ defended the date assigned by Diodorus, 388 B. C., against Grote's attempt⁵ to place the speech four years later. Nevertheless he adopted one of Grote's arguments, and insisted upon the impossibility of Lysias' speaking of the Spartans in such words as are used in 7. He concluded therefore that the demonstration against Dionysius, tyrant of Sicily, at the Olympian festival came from Xenophon's circle, though Lysias may have written the speech, and conjectured that the man who delivered it was Themistogenes of Syracuse, to whom Xenophon (Hell. III. 1. 2) ascribed his Anabasis. But it is not clear

¹ See Hölscher, 119 f. ² 373. ³ 434.

⁴ Philol. XVIII (1862), 188 ff. ⁵ IX, 291 ff. (and X, 306 ff.).

why Lysias could not himself utter words that he could write. It is unlikely that an Olympiac speech would be local or sectional in any case. The speech was not that of a person in a private capacity; the speaker was the mouthpiece of the community.⁶ Since the speech is a plea for peace, and no doubt the result of an earnest endeavour to secure it, how better could Lysias have proved his sincerity and that of the Athenians, than by a show of frank appreciation of Sparta? Perhaps Lysias had heard a rumor of the coming peace of Antalcidas, and was making a last appeal to bring Sparta over to the side of Greece against Persia as well as against Syracuse.

There is no reason why we should not believe, on the unanimous testimony of the ancients, that Lysias wrote and delivered the speech.

⁶ Not, however, in an official capacity. The fact that Lysias was a metic need not have interfered with the delivery of this speech.

THE EROTICUS.

The Eroticus in Plato's Phaedrus, though scarcely within the province of this dissertation, deserves mention as having been twice in recent years included in editions of Lysias.¹ Vahlen's defence of it as genuinely Lysianic would seem to have turned the tide of criticism completely in that direction.² But Weinstock,³ in a long and elaborate dissertation has taken once more the opposite, and to my mind correct point of view.

¹ In the editions of Herwerden and Hude, as in Holmes' Index Lysiacus, Bonn, 1895.

² 798, he overlooks the fact that Herwerden's edition included the Eroticus (as well as that of Franz in 1831).

³ op. cit. To his list of defenders of Plato's authorship may be added the following: Leutsch, Theses Sexaginta, 1833, 13; Stallbaum, Lysiaca ad illustrandas Phaedri Platonici origines; Mahaffy, 142; Baur, 71; Jowett, 553; to champions of Lysianic authorship:—Keil on Phaedrus 234; Kiel on Athenaeus XI. 505 f.; Heindorf on Phaedrus, 187; Wyttenbach on Plut. Moralia, 340; Franz, *περί Λυσίου τοῦ ῥήτορος*, 15; (cf. De locis quibusdam Lysiae arte critica persanandis, 3, n. 2, and his edi-

His first chapter is a detailed investigation into the language of the Eroticus, including rhetorical figures, rhythm, composition and choice of words, and general style. His second chapter, dealing with the authorship of the Eroticus, attempts in the first instance to draw conclusions from the investigations in the preceding chapter. It appears 'that in details, such as use and avoidance of figures, there is a strange consonance between Lysias' speeches and the Eroticus, though in the latter his brevity and clearness are lacking. The rhythm and a few words are not Lysianic. These discrepancies cannot, according to Weinstock, be entirely explained away by the nature of the subject treated, and the only possible conclusion is that Lysias is not the author.

With the warning that resemblances to Lysias' speeches can never prove his authorship of the Eroticus, since Plato, in writing it, must have imitated his characteristic tricks of thought and style, Weinstock examines the parallel passages cited by Vahlen and proves, by citation from other orators, that they are forms of expression common to all Attic oratory. The repeated occurrence of rhetorical formulae used by Lysias is the result of conscious imitation, and as we should expect it is the imitator, not the original author, who out-Herods Herod. It is even possible, he thinks, that Plato may have copied from an actual work of Lysias. (This, to me, seems improbable, but is in no case of any consequence for the argument.)

As a result of his stylistic investigation, Vahlen concluded only that Lysias might have been the author.⁴ Weinstock

tion, 349 f., in which the Eroticus is included, 249 ff.); Vater, N. J. Suppl. IX (1843), 176; Grote, Plato and the Other Companions of Socrates, II, 254 ff.; Thompson, op. cit.; Eckert, op. cit., 14 ff.; Pluntke, Plato's Urteil über Isocrates, 1871, 8 f.; Steinhart, Platons Leben, Leipzig, 1873, 179 (retracting his statement made in his praef. ad H. Müller's German version of Plato, IV, Leipzig, 1854, cited by Weinstock, 34); Constantinides, *Ἀθηναίων* IV (1875), IV 32 ff.; Jebb, 305 ff.; Weineck, 20 f.; Teichmüller, op. cit., passim; Sittl, 148; Böckh, Encyclopädie der Philologie, 212 f.; Nowack, 100; Herwerden and Hude, who include the Eroticus in their editions. To the list of neutral scholars may be added:—Rückert, on Plato Symp., 252; Van Heusde, Init. phil. Plat. I. 101. ⁴ 33. ⁵ 808 f., though he speaks less guardedly in the preface.

proves, as he thinks, that Vahlen's whole argument is "vana atque irrita", by pointing out words and constructions, which are not Lysianic, but in Platonic usage. Of the words which he singles out as not occurring in Lysias, one, *ὑπόλογος*, occurs in IV which he brackets, another in VIII, which he with most scholars, rejects. As he suggests, the non-occurrence of words may be due to chance, and it is impossible to draw valid conclusions from the small proportion of Lysias' work that has survived, especially since his *ἐρωτικοὶ λόγοι* have all been lost. No doubt they differed considerably from his dicanic speeches (whether or not these latter were written for actual use in court). To a certain extent, choice and use of words and phrases are determined by the genre of the work.⁷ Nor is the appearance of certain Platonic, but apparently not Lysianic constructions conclusive; the element of chance must be reckoned with. From an examination of the rhythm, it appears that the *Eroticus* resembles more closely Socrates' first speech in the *Phaedrus* than the *Olympiacus*. Here again on this debatable ground of rhythm, it seems as if genre might be a determining factor. In my opinion therefore no decisive conclusions can be drawn from these facts, though they point to what I hold to be the correct view.

According to Weinstock, Plato imitated Lysias as closely as possible; the *Eroticus* is a "verissima atque simillima veri imago orationum Lysiacarum". At the same time, it is "luce clarius" that the *Eroticus* was written not by Lysias, but by Plato. Philologists are too clever to be deceived by Plato, but "quicumque integro liberoque animo legerint oratiunculam, *Eroticum* esse vere Lysiacum certe iudicabunt". Are we to take it that Plato wrote for philologists? Or to deceive ingenuous readers? Has Vahlen the unprejudiced mind, and is Weinstock the philologist? It seems to me that Plato could not seriously have intended his readers to believe that the

⁷This explains satisfactorily the non-occurrence in what remains of Lysias of poetic and erotic words and phrases, such as *νοσεῖν*, used of the mind, *θεραπεύων ἡδονήν*, *ώρα*, cf. Weinstock, 48 f.

Eroticus was Lysianic, unless it had already been published under Lysias' name. In that case, the *Phaedrus* is a literary book review. But unquestionably he intended that his readers should understand that the *Eroticus* is a subtle Platonic version of Lysias' manner,—almost a Lysianic inversion of the manner. The reading public would detect precisely where groping philologists fail, the element of caricature.

Weinstock then turns to the *Phaedrus* itself, to see what conclusions can be drawn about the authorship of the *Eroticus*.⁸ The word "parody" so frankly applied to the *Eroticus* by Thiele,⁹ seems to have aroused Vahlen's indignation and inspired his article, and here, at least, Weinstock agrees with him that it could not have been a parody. These two scholars, however, seem to interpret "parody" as a "grotesque misrepresentation", whereas Platonic parody is something at once more artistic and more subtle. To the "parody" idea, Weinstock objects that, on this assumption, Lysias is subjected to a threefold criterion, first in the parody itself, then in Socrates' first speech, and finally in Socrates' detailed criticism of it. Now the parody would seem to me, besides being the *chef d'oeuvre* of the dialogue, a tacit suggestion of the following criticism, which is, justly for Plato's purpose, of three kinds:—first, of the treatment of the subject (Socrates' first speech); second, of the choice of subject (Socrates' second); finally, of the details of composition, of the rhetoric (in the second part of the dialogue). Weinstock's plea that Plato thought too highly of Lysias to parody him, may be good sentimentalism, but is poor psychology. In the remainder of this section, he adequately refutes Vahlen's arguments drawn from the references within the dialogue to the *Eroticus* as being Lysias' speech, by pointing out that these were the only possible words in which reference could be made to it.¹⁰ He justifies the detailed criticism in the

⁸51 ff. ⁹Hermes XXXVI (1901), 268, n. 1.

¹⁰The same argument annuls the testimony of the ancients, among whom we have repeated references to it as *Αυσίου λόγος*. Weinstock, 67, has dealt satisfactorily with the only troublesome reference, that of Hermias.

latter part of the *Phaedrus* by insisting that the *Eroticus* is not a parody. He might better have justified it by acknowledging that the justness of the criticism is not impaired by the fact that its immediate object is only an imitation of Lysias, because its ultimate object is Lysias' epideictic work as a whole,—perhaps even, all writing of epideixis, in the narrower sense of the word, by rhetoricians or sophists. It must finally be kept in mind that the *Phaedrus* is, par excellence, a piece of literature, and not strictly accurate, objective criticism, and that the element of humour was less readily overlooked and underestimated by contemporaries than by the more meticulous scholars of to-day.

In the third section Weinstock grants to Vahlen that no conclusions can be drawn from comparison with the *Protagoras* and the *Symposium*, but points out at the same time that Norden's³⁰ argument from the principle of unity must prove, at first sight, the authorship of Plato.

The third chapter deals with the place of the *Eroticus* in the composition of the dialogue; the first part, with the genre of the piece; the second, with Plato's judgment upon it. The *Eroticus* is a *παίγνιον*, a "scholastica exercitatio sive declamatio, quales Lysias discipulis proponere solebat in exemplum ad recitandum". Plato's judgment of it is justifiable.

On the whole, therefore, Weinstock has done little to prove his conclusion, though it is, to my mind, the correct one. His compromise that it is not a parody only leads him into extraordinary contradictions.³¹ The argument of literary unity advanced by Norden, Plato's general manner of work, the improbability that the work of one author should be quoted at such length in what is, ipso facto, a work of art,—these are the strongest arguments against Lysias' authorship. The answer to the question must be more or less subjective.

³⁰ I, 91.

³¹ So we read, 51, "quicumque integro liberoque animo legerint orationunculam, *Eroticum* esse vere *Lysiacum* certe iudicabunt", and 67, "antiquitus nemo in hanc potuit incidere sententiam *Eroticum* esse *Lysiae*".

CONCLUSION.

From the foregoing examination of the causes that led scholars to reject the speeches under consideration, it is seen that the radical treatment of Lysias' work is not justifiable. The Lysianic corpus is the result of continued exclusion of supposedly spurious work. There is no contemporary evidence that Lysias wrote speeches for clients to deliver in court. The arguments for and against the genuineness of speeches, of which the authenticity has been questioned, rest on peculiarities in choice of words and syntax, and on suitability for actual delivery in court. These arguments should not be used for rejection, in a case where a dramatic and ironic master of *ethopoiia* is concerned, where the composer is simply a literary man, and at that not an Athenian nor a lifelong resident of Athens.

Therefore the balance of evidence is in favour of the genuineness of any speech of Lysias preserved, and any investigation of the work of Lysias must proceed on that assumption, and, if necessary, the use of what is to-day considered solecistic in classical Greek must be recognized as legitimate in passages that do not otherwise call for emendation.

The case of Lysias, if my view be correct, justifies a reconsideration of the question of the purely epideictic nature of the work of the other canonical orators.

VITA.

I, Angela Charlotte Darkow, was born in Vienna, Austria, on November 15, 1889. My father is Dr. Martin Darkow; my mother, Flora Singer Darkow. I was prepared for college in the Philadelphia High School for Girls. In 1911 I received the degree of Bachelor of Arts from Bryn Mawr College, in 1912, that of Master of Arts.

I spent three years doing graduate work in the departments of Greek and Sanskrit at Bryn Mawr, as scholar in Greek 1911-12, and as fellow in that department 1912-14. To Dr. A. E. Welden and to Dr. Roland Kent of the University of Pennsylvania, I am indebted for instruction and encouragement in my work in Sanskrit and Comparative Philology. Dr. Wright has kindly criticised my dissertation and assisted me in all my work. I am deeply indebted to Professor Sanders, at whose instigation I began my work in Sanskrit and Comparative Philology, through whose inspiration and assistance I have continued my work in Greek, without whose encouragement and aid I could not have written this dissertation. I wish to take this opportunity to express my gratitude and sense of obligation to these professors and to the faculty of Bryn Mawr College.

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